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THE
LAND DIFFICULTY
OF
IRELAND,

WITH AN EFFORT TO SOLVE IT.

BY
GERALD FITZGIBBON, ESQ.,

MASTER IN CHANCERY;
AUTHOR OF "IRELAND IN 1868."

What to turn doth no great wisdom need,
But what to follow is a task indeed

LONDON:
LONGMANS, GREEN, READER, AND DYER,
DUBLIN: M^CGLASHAN AND GILL.

1868.

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THE proprietors of the London "Times" have spared no expense in constructing and maintaining a machinery by which to learn the views and sentiments, for the time being, of the Club-house and Coffee-house Statesmen by whom the legislation for this Empire is guided. These statesmen, and their associates, divide as distinctly, in passing to their several places of resort in town, as members do, when going into different lobbies of the Parliament House. To learn, and to express—to advocate, and to promote the views and policy of that party which happens to be, or seems likely soon to be, in the ascendant, is the function of the organ which has assumed the name, and wears the varying complexion of the "Times." As an exponent of what is to be hoped, or feared from the predominant party, this journal is gratifying and useful to all who take an interest in passing events. The "Times" is prophetic; for it has learned what those intend to do, who have the power to do it, for good or for evil, and who thus accomplish the prophecy of their oracle.

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7 Feb. 28 - C.A.

This organ has recently expressed impatience of the delay occasioned by the Irish Church Bill, which, for a time, obstructs the intended legislation on the relations of landlord and tenant in Ireland. The law which regulated these, up to 1860, was nearly identical with the law of England, and had been so for centuries. Two special Acts were passed for Ireland in that year, one of which proved a mere abortion, and remains a dead letter ; and the other has produced no other effect than the creation of some difficult, and some insoluble questions of law, and consequent litigation.

The law of real property had been as wisely framed for Ireland, and was there as clearly understood, as it had been in England. If it had not been as well observed, or as well administered, the fault was in the people themselves, or in the functionaries employed, not in the law.

At all times, and in all countries, the desire for property in land has been a governing passion in the mind of every thriving man, and the purchase of it a favourite investment. The laws for the protection of this property have ever been, and ever must be, the most complicated and difficult part of every code. The proprietors themselves have very generally, if not universally, a preponderating influence in making and maintaining these laws, and this influence is but a natural incident of such property, and is essentially necessary for the protection of it.

It rarely happens that in any country, as a general rule, the cultivators and occupiers of the soil are the owners of more than some limited interest in it ; and this is especially rare in the old European countries.

Every scheme for raising these by legislation, or otherwise, than by the ordinary course of thrift and labour, to the position of owners of the land which they cultivate has been hitherto regarded as Utopian, and every attempt at such legislation has ended in disappointment. No legislature in which the proprietors of land are adequately represented would entertain schemes of this kind, or consent so to alter the law as to enable the occupier to hold permanent possession, without paying to the owner an adequate price, or giving some equivalent consideration for such a privilege. The owners of land in England have still in their own hands the salutary power of protecting their property from legislative tampering in derogation of their rights; and the recognition of this power prevents the clamour of tenants for liberties and immunities inconsistent with the landlord's property. Such also was the position of proprietors in Ireland, when Irishmen were the sole legislators for their own country. But their case is fast assuming a very different complexion. Vilified as they have been by landless enemies, lay and clerical—negligent of the duties which they owed to the public, to their tenants, and to themselves, as too many of them have been, the Irish landlords have lost the sympathy of those in England. The Irish representatives in the United Parliament are but one-sixth of the house, and of this small minority a great proportion have no common interest with the Irish landlords. These are returned in opposition to the landed interest; are addicted to party; bent on personal advancement, and must be subservient to their leaders, whether in office or in opposition. Under these circumstances, the owners of Irish land are practi-

cally unrepresented, and unprotected in the United Parliament; and they have now very little influence in promoting or opposing the legislation by which their property and rights may be affected.

Such being their position, any threat of legislation, specially affecting their property and their rights, must create anxiety, if not alarm, amongst them. That they have been alarmed is quite certain; and that, for some years, they have been endeavouring to weaken the position of their tenants, and to fortify their own against the invasion which they apprehend, and the innovations which are threatened, is equally certain. How much mischief this has done, and is daily doing, it is difficult to exaggerate, and impossible to estimate. No proposed alteration in the law of tenure, if clearly defined, could be so formidable to the owners of property as that which they are left to conjecture from the published sentiments of those who have assumed the position, and now possess the power of legislators. Mr. Mill, a speculative innovator, when a Member of Parliament, was an ally of the party then in opposition, and now in power. While in that position, he expressed his views, not in debate, in which allowance might be claimed for hyperbole and extravagance, but in a didactic lecture upon the government of Ireland, delivered *ex cathedra*, with all the assumed confidence of philosophical superiority, and with all the courage which profound ignorance on the particular subject could impart, according to the sailor's maxim of "know nothing, fear nothing." His deliberate assertion was (whatever may be the weight of his authority), "that the government of Ireland then rightfully belonged to those who, by means consistent

with justice, would make the cultivators of the soil of Ireland the owners of it." He made no attempt to define, or in any way to describe the means by which the pauper cultivators of the Irish soil *can* be made the owners of it, consistently with justice to the present proprietors. The party for whom the rule of Ireland was thus claimed, *de jure*, have since got it, *de facto*, upon a pledge to legislate for relief of the Irish tenantry. Although this party has lost the vote, it may be assumed that they still respect the opinion, and may act on the advice of their unseated ally.

The leader of this party, when canvassing for the power to rule, recommended himself by asserting, "that Ireland must be governed according to Irish ideas." This loose expression might have passed without notice, devoid, as it manifestly was, of any practical common sense, or intelligible meaning. But when construed by the more explicit language of the same candidate for power the vagueness disappears, and the government with which Ireland is menaced means a levelling tyranny, without precedent in the history of the world. This pretender *de jure* to the rule of Ireland, when claiming to be ruler *de facto*, had the boldness to assert, that the Protestant Church of Ireland; the land of Ireland (meaning the proprietary right to that land), and the education of Ireland (by which he could mean nothing else but that part of the educational system which is not yet in the hands of the Roman Catholic priests) were branches of a pestilential Upas tree, to which he gave the name of Protestant ascendancy. In turgid language, he called upon the Protestant people of England to put down this Protestant ascendancy. He told them that he and his party

were BANDED together, to make war upon that system—viz. upon Protestant ascendancy in the Church, in the land, and in the education of this country. Passing over the half amputated and rudely mangled Church branch of this Upas-tree, what does the land branch mean? This Mr. Bright, the second in power of this levelling band, explained in Limerick, when he held it up, as a grievance to what he called the people of Ireland, that eight-ninths of the land belongs to Protestants. That a remedy is intended for this asserted grievance he has more recently, and from his place on the Treasury Bench, in explicit terms announced; and, assuming the tone of a leader, he promised that HE would soon propose a Bill by which it was too plainly threatened, that the property in the land of Ireland was in some way, and to some extent, to be taken from present owners, and conferred upon the native Irish race. How this is to be accomplished, if justice is not to be violated, is left entirely unexplained. Justice being a very elastic term, which may be stretched, as it has been stretched, to cover acts of grievous oppression and wrong, the present owners of Irish estates have good reason to feel uneasy at the prospect of this Bill to redress that grievance which consists in the Protestant majority of land owners in this country. According to the Upas-tree illustration, this Protestant ascendancy in land, being a branch of the pestilential tree, the axe must be laid to it, as a nuisance, and it must be lopped. The Protestant proprietors depending upon, and supported solely by this branch, must fall to the ground with it, and be reduced to equality in the ownership of land with the Roman Catholics, who, at present, are grievously stinted to one-ninth of the property, being numerically three to one of those endowed with

eight-ninths of it. If this inequality is to be levelled, whether this levelling is to be up or down (as the phrase now is) should not be left unexplained, unless good statesmanship requires, that those who have property shall be kept in a state of dread and alarm; and that those who have not shall be excited to visionary hopes by the forthcoming measures of the government.

The lopping of the land branch of the Upas-tree (by whatever means to be accomplished), according to the language of the canvassing governor *de jure*, who is now the elected governor *de facto*, will be only an instalment of justice to Ireland. In explicit terms, this candidate statesman, and leader of his band, in popular harangues, told the mass of the Irish people, "that they would not be worthy of liberty if they could be satisfied with instalments, or with anything else than justice." What justice means he then explained—viz. the total extirpation, root, and trunk, and branch of this Upas-tree, which he told them (without a shadow of proof) "is still there—a tall and noxious growth, lifting its head to heaven, and darkening and poisoning the land, as far as its shadow can extend; and that now, at length, the day has come, when the axe has been laid to the root of that tree, and that it nods and quivers from the top to the base."

This inflated language of the Prime Minister of England crosses the Channel, to stimulate the masses of the Irish people, and to keep them discontented; and should occasion arise, it cannot fail to rouse them to active violence against the Protestants, who rest upon the land branch of this poisonous tree; and it cannot be doubted, that, in the mean time, those who commit, and those who abet agrarian murders will find a justification, and encouragement in this recognition of their just right to pull

down the Protestant ascendancy of their landlords. This inflated language of the Prime Minister of England flies across the Atlantic, to stir up and encourage the already too bitter hostility of the republicans there; and to assure them, that if they can pick a quarrel with England, and throw a few thousands of their armed Fenians on the shores of Ireland, they may reckon safely on the fury of the masses of the Irish people, to aid them in exterminating the prostrate and spoliated Protestants, by whose ancestors the Upas-tree is assumed to have been planted, and by whom themselves it is asserted that it has been nurtured into a tall growth, ascending to heaven, and spreading a noxious and poisoning shadow over the land of Ireland, until this pacifying Ministry laid the axe to its root, and felled it, as an instalment of justice to Ireland.

When it is asserted that Protestant ascendancy, like the Upas-tree, spreads a baleful shade over this devoted island; and that one branch of that tree grows from the fact, that eight-ninths of the land belong to Protestants, the inquiry is, at once, suggested to the owners of other property, whether eight-ninths, or even more, of all the other property in Ireland do not also belong to the Protestants. How much of the Government Stock; of Bank Stock; of Railway and Canal Stock; of current money, and money in Bank; of mortgage and other securities upon land; of cattle, horses, and carriages; of mills and machinery; of manufactured goods; of plate, furniture, and other chattels of a thousand forms, whereof nothing of value belongs to the millions of Roman Catholics, who live in hovels, and appear in rags. If it shall be found that Protestant ascendancy as clearly

exists in the other property of the country as it does in the land, here is also a branch of the Upas-tree, not hitherto noticed, the lopping of which will soon be called for, as another instalment of justice still due to the pauper, and discontented mass of the Irish people, according to whose ideas Ireland must be henceforth governed, and Protestant ascendancy pulled down, and destroyed, root and branch.

No one residing in Ireland, and familiar with the present feelings and temper of the people of every class, can fail to observe the disturbing effects of this revolutionary language, coming from men to whom power is entrusted, which never before was conceded, for the purpose of exciting strife, and creating revolutionary confusion, but for the maintenance of peace and order: not for the purpose of invading property and abrogating long-established rights; but for the purpose of securing that protection which the very nature of property and rights demands; and which it is the first duty of every form of government to afford.

The sense in which this language is understood by the masses to whom it is addressed, and whose discontent it applauds and encourages, is too obvious, and the effect is ruinously subversive of all subordination and docility in the working classes affected by it. The alarm created in the ranks whose position is menaced forced those who would support a Conservative policy to demand some explanation of the levelling measures which the ignorant classes were thus encouraged to expect, and stimulated to demand. This explanation was refused; and anxious inquiry was answered by an incredible assertion, that the concealed scheme contemplated by this menacing Govern-

ment will, when disclosed, "be satisfactory to all parties." This is more like derision than serious reassurance : no one can believe that it was intended to beget confidence ; and it certainly has not, except in those who pant for revolution. Nothing is now certain, except the intention of the Ministry to lay before the next Session of Parliament some novel scheme of land tenure for Ireland, involving something of redistribution of property, as a second instalment of justice to what they call the Irish people. The present owners, whose property and rights are to be affected by this novel scheme, are left to conjecture what its nature and tendency are to be, and their only means of guessing are supplied by the published sentiments, expressed in letters, in pamphlets, and in popular speeches, by those who have undertaken to devise it. This novel law of tenure is not to operate in England. The Englishmen who are to assume and exercise the power of imposing it on Ireland will, therefore, themselves have no interest at stake to excite their jealousy of this levelling innovation, or to prompt them to vigilance in scrutinizing, and discovering its possible, or probable, if not certainly ruinous effects.

Using the light which, at certain moments, has fallen on this dark scheme from the flashes of inflammatory eloquence in which its inventors have indulged, one gleam discloses that it will be something in accordance with Irish ideas ; which must mean the ideas of that portion of the people who are poor, and who have been by the Prime Minister told, that they ought to be discontented with the existing state of things. Another flash shows us, that it must be remedial of that asserted grievance which has left to the Roman Catholic majority of the

people only one-ninth of the land of Ireland. This land having been, for centuries, appropriated, the agrarian grievance cannot be redressed by any other process than the resumption, and redistribution of the land. No one can understand how this is to be achieved in favour of the Roman Catholic and Irish numerical majority, without ousting the Protestant owners from an adequate number of the eight-ninths which they possess—a thing to be done only by force, by fraud, or by purchase. Presuming (not without some misgivings) that neither force, nor fraud will be tolerated, or deemed consistent with justice, purchase alone can be resorted to. If a compulsory power to purchase be not given, the acquisition of land for distribution will be an uncertain, and, at best, a tedious and costly process. If the rights of property are to be respected, a sale cannot be compelled upon any other terms than payment of the outside value. As to this value, the owners and the claimants will in but few cases agree, and some tribunal must be instituted to decide between them. Some means must be found for selecting the owners upon whom the compulsory sale is to be enforced, and defining the extent of their property with which they must part. Our experience in thus acquiring a small fraction of the land for railroads affords a very inadequate measure of the complications in which such a process as this, upon an extensive scale, must involve the country. But suppose these complications to be cleared, and assuming it possible, that an extent of territory may be acquired sufficient to put down Protestant ascendancy in the ownership of land, we arrive at the question how much land will be required to answer the purpose? The

landless Roman Catholics are to the Protestants more than three to one, and therefore three-fourths of the Irish land, with the buildings and improvements upon it, must be acquired, and paid for, before the means of redressing this grievance, and putting down Protestant ascendancy in the ownership of land, can be attained, by means consistent with justice. Granting that even this may be possible, monstrous as it appears, the work of newly distributing this land will yet remain to be accomplished. No part of it must be given to Protestants for their pestilential ascendancy is not to be revived. To reconcile the people of England to the enormous draft upon their Treasury, necessary to pay for this land, we must assume that some scheme of indemnity must be devised, such as a sale of each lot to the new grantee. The question of payment here presents itself. Discontent, arising from privation of property, being the mischief for which this great political remedy has been invented, prompt payment is not to be expected from the destitute grantees for whose relief and endowment the land is to be acquired. Some mode of charging the price, in the way of mortgage, upon the lots, must be resorted to, and, therefore, the first outcome of this State project must be an unexampled multitude of incumbered estates.

As nothing is more universally agreeable to the people, and especially to the *poor* people of Ireland, than to get property of any kind upon a promise of payment, it may, with great certainty, be anticipated that millions will rush to the scramble for land, upon these terms. Some court must be instituted to determine the numberless contests that must arise. No one who know

the people can, without dismay, contemplate the scenes of strife and confusion which must result from any attempt to carry such a scheme into execution.

Assuming that, by some *deus ex machinâ*, this cruel scramble may possibly be adjusted ; and that some sort of equality may be produced in the ownership of land, there will still remain such a thing as Protestant energy and thrift ; and that principle, whatever we may call it, which has created the glaring contrast between the Protestant and the Roman Catholic counties in Ireland, and the equally striking contrast between the Protestant and the Roman Catholic Cantons of Switzerland, will soon begin to operate, and the old Protestant ascendancy in property will, in the course of time, and by the ordinary process of sale and purchase, become as great a grievance upon improvident vendors and their posterity as that which now exists, and will hereafter present to the imagination of some aspiring statesman an Upas-tree as pestilential as that which our peace-making Ministry now take the glory of extirpating. This relapse into Protestant ascendancy will be all the more certain from the terms on which, at the outset, the new proprietors will have acquired their estates. What they shall have got without labour, they will use without thrift ; and where something to sharpen was sadly needed, much will have been done to dull the edge of Irish husbandry. But it requires not much wisdom to see, that the scheme of acquiring by purchase any extent of land for redistribution must, at the very outset, be condemned as a dreamer's vision. That such a project should have entered the mind of a sober man, at any other than a time of the wildest revolution, unless for election pur-

poses, is not to be credited, and no reflecting man believes that anything more will come of it, than the hollow speeches in which it was suggested, and the rabble shouts in which these speeches were applauded.

On the kindred delusions of tenant right, fixity of tenure, and the abortive Act for securing to outgoing tenants compensation for unexhausted improvements, I have expressed my opinion, in the fourth chapter of the book entitled "Ireland in 1868." I refer to it from page 160 to 167 ; from page 313 to 315 of the second edition, which correspond with pages 155 to 161, and 296-297 of the first edition, and I refer also to the seventh chapter, which was added to the second edition, from page 326 to page 332. I shall not here repeat what I have there submitted.

Notwithstanding the assertion (assuming that it is not made in derision) that the embryo scheme of a new law of tenure, and for putting down Protestant ascendancy in respect of the land of Ireland will, when produced, be satisfactory to all parties, my belief is, that no scheme has been devised, which is thought likely to be, or which can possibly be, in any degree, satisfactory to the present expectations of the Irish tenants. My belief is, that whatever may be the fluctuating intention of the Ministry to produce *some* scheme, in the next session, they have not yet determined what that scheme shall be.

At page 293 of the first edition, corresponding with page 310 of the second edition of the book above referred to, it is stated, "That special legislation for Ireland, under present circumstances, is a formidable spectre, and that

the Union with England begins to assume an entirely new complexion."

Before this Union, the King of England was also the King of Ireland : but Ireland had a House of Lords and a House of Commons entirely its own. The Irish House of Lords consisted exclusively of Irish nobility ; and the House of Commons was chosen exclusively by Irish constituencies. The King, Lords, and Commons of Ireland had plenary power to legislate ; and the people were bound by any laws made, or adopted by them, when in Parliament assembled. These three estates, according to the settled constitution of Ireland, formed its proper and only authorized legislature.

Constitution means a law which coerces and binds the sovereign power by which the people are governed. The distinction between a constitutional and a despotic sovereign is, that one governs according to a known law ; the other according to his will or caprice, which never can be known, until he pleases to express it. The constitution of England was the result of a long controversy between the king and the people, and was expressed in charters, from time to time, extorted by the people, and granted by the king, under the pressure of popular power. In like manner, the king granted similar charters to Ireland, the effect of which was, that no laws were binding, but such as the king, with the advice and consent of the Irish Lords and Commons, in Parliament assembled, should enact. Once enacted, no law could be repealed, altered, or dispensed with, unless by the act and concurrence of the same three estates. In the year 1495, being the 10th of the reign of Henry VII., an Act was passed by the Irish legislature, by which the

common and statute law of England, as it then stood, was adopted, and made thenceforth the law of Ireland. At that time, it was not pretended, that those English laws could bind Ireland, unless by force of the Irish Act by which they were thus constitutionally adopted, and once so adopted they were unalterable, unless by an Act of the Irish legislature.

In the reign of Charles II., the English legislature, consisting of the King, Lords, and Commons of England, set up a claim to make laws for Ireland, without the concurrence of the Irish Lords and Commons. This pretension was repudiated by the Irish nation; and, in 1698, Molyneux wrote and published an able and conclusive legal argument against it, entitled "The Case of Ireland." Amongst other reasons, he relied on the absence of any English Statute declaratory of any such right to legislate for Ireland. In 1719, twenty years after the case of Ireland had been thus advocated, the argument was answered by a short and contumelious declaratory Act (6 Geo. I., cap. 5), passed in the parliament of England, by which it was dogmatically asserted, "that the King, Lords, and Commons of England had, and ought to have, full power and authority to make laws of sufficient force and authority to bind the kingdom and people of Ireland." Every one knows how this sophism, false, and insolent, as it was, continued to be the rule for the government of Ireland, until, by a fortuitous combination of events, the Irish Volunteers, with arms in their hands, Protestant and Roman Catholic, as they were, and actuated by a patriotism which, at that bright moment of Irish history, silenced every expression of sectarian hostility, extorted the English

Act 22 Geo. 3, cap. 53, by which the declaratory Act was repealed, and its falsehood sullenly admitted.

The substance and practical meaning and effect of that false, and insulting declaratory Act were, that special laws for Ireland, devised and enacted by Englishmen, ought to be and were of sufficient force and authority to bind the kingdom and people of Ireland.

In 1868, a party of Englishmen, combining with a section of the Irish representatives in the united Parliament, have invented a policy, by which, under a pretence of doing tardy justice to Ireland, long after the injured generations have passed away, to whom alone the atonement was due, the tyrannical power of making special laws in the English Parliament is revived, whereby to bind and rule the people of this country, without affecting the people of England, and without the consent, in any rational sense, of the Irish nation. The power thus arrogated by an Anglo-Irish junto may, as many believe, be exercised in a manner more subversive of rational liberty, and just rights, and immeasurably more obstructive of national progress, and social tranquillity than ever was the justly odious usurpation of the seventeenth century. By this new phase of Irish policy, the whole spirit of the Union compact is perverted, and the diabolical practice of ruling Ireland by fomenting dissension and discord is too likely to be resumed. The partisans of one Irish faction may be enlisted to aid and assist in swelling the majority for an English party, on the base and wicked terms of being aided, in turn, to crush an envied party in the country which they misrepresent. On the pretext of reducing the provident and prosperous minority of the people to a level with the reckless and querulous majority,

rights may be violated, and religious animosity roused, with all its train of fiends and furies, to lash the divided people into deadly contest with each other. That such is the immediate effect of the first special Act for Ireland, produced by this BANDED combination of an English party with an Irish faction, is already lamentably evident, and admitted by all, except the authors of it. These coolly look on, and assert, that the flames of discord which have burst forth are but as rockets, at which we should be amused, and not fires at which to be alarmed. What the ultimate result of all this will be, time alone can disclose, but the present mischief is painfully evident, and indignantly endured.

Before the Union, Ireland had adopted the constitution and laws of England. The spirit and legitimate object of the Union was to secure for both countries, as if they were one, the benefit of one constitution, and one code of laws. It was assumed, and reasonably assumed, that one united Parliament could more effectually, and more conveniently preserve for both countries, when thus combined, one common constitution, and one common code of laws than two separate legislatures acting one in imitation of the other, as they previously had acted. It never was contemplated, that the united Parliament, in which the representatives of Ireland were to be only one in six, should arrogate the power of determining that the constitution of England, and the English code of laws, were unsuited to the Irish people, and that a legislature, of which five-sixths are aliens to Ireland, should assume the power of abrogating or altering the constitution and the laws which a native legislature had adopted for the country of which they were the legitimate repre-

sentatives. The great argument for the Union was the expediency of promoting amalgamation and identity of laws and manners. Those who, on the part of Ireland, consented to the Union, did so on the assurance, that the united Parliament would legislate for one united kingdom, of which the constituent parts were to have an equal right to one common constitution, one united and established Church, according to the reformed faith, by that constitution imperatively imposed upon the Sovereign of this United Kingdom.

It became an obviously wise policy, consequent on this Union, to aim at a perfect amalgamation of the two nearly similar codes which had been sanctioned and enacted by the separate legislatures, before the Union, and which that Union left for each kingdom, as each code stood, at the moment when the compact was made. There is no policy connected with the government of Ireland upon which there has been such a perfect concurrence of opinion, and such a coercive weight of authority as that which prescribes uniformity of the laws in both the countries. The Irish Parliament, before the Union, constantly and persistently aimed at this uniformity. Legislation since the Union, with a few exceptions, was directed to it. Parliamentary Commissioners have recommended it. The judges were, at all times, unanimous in desiring it; and the opinion of the Bar was uniformly and strongly expressed in favour of it. With the exception of the Chancery Act of 1850, the laws specially confined to Ireland produced inconvenience and mischief greatly overbalancing any good derived from them.

The penal laws, which were the foul blot upon the

Irish statute book, were all enacted during the degrading thralldom in which this country was held, while England asserted the right of dominant legislation over her. Shortly after this tyranny was shaken off, the native Parliament, exclusively Protestant, as it was, began to relax the rigour of those laws ; and, seven years before the Union, this Parliament had granted the elective franchise, by which the repeal of what remained was made a mere question of time. Those savage laws had been devised and dictated by the English Cabinet to support a revolution, and a new dynasty against the attacks of an expelled pretender. They were the work of laymen, English and Irish, combined, like the present Ministry, for political purposes. Unlike the persecuting laws made at the instigation of the Papal hierarchy, they did not emanate from theological hatred, or from clerical assumption of divine right to compel universal obedience to the dogmatical rule of a pretending infallible Church. Nothing can exceed the absurdity of holding the Protestant clergy, or the Protestant people of the present century, in any degree, responsible for those penal laws, except the iniquity of doing so. They were designed as a protection to the new dynasty from those who were assumed to be hostile to it, and not for creating or supporting Protestant ascendancy, which was another invention of the same rulers for the same political purpose.

Neither of the contracting parties had the least suspicion that the Union could ever be made subservient to such a policy as that of the present ministry. The Roman Catholic clergy are morbidly anxious to put down the Protestant religion and Church : they are

equally anxious to destroy the political power and influence of the landlords over their tenants : they are anxious to make these tenants independent of their landlords, at the landlords' expense, that the tenants may be more subservient to themselves : they are determined to abolish the ancient University, because it is governed by a Protestant corporation, although its educational powers are efficiently exercised in the propagation of science, and most liberally extended to all creeds and classes, and without the least interference with the religious convictions of those who resort to it : they are hostile to the Queen's University, because it is not addicted to any sect, and professes no object beyond the propagation of secular knowledge and useful science : they object to the national schools, because some of the teachers do not set the example to the children of signing themselves with the cross, and going to Mass.

To attain the power of effectually assailing these objects of their hostility, they have been for forty years systematically cultivating what is called religious influence over the minds of the people, whose destitution and ignorance expose them to the crafty machinations of all who pretend to sympathize with them, and delude them with promises of redress on earth, and happiness in heaven. By the influence so propagated, they have succeeded in returning an united band of professing patriots, to aid in special legislation for this devoted country. The union between England and Ireland has thus become a union between an English party and this plighted band of pseudo-patriots. To effectuate the designs of the priests, who have procured the return to Parliament of this band of addicted partisans, has

become the Irish policy of this spurious and perverted union. The boasted policy of this banded junto is to legislate for this country in conformity with what English aspirants to office shall be instructed by their Irish confederates to adopt as Irish ideas. Thus the public worship, the municipal rights, the property, public and private, of the Protestant minority, will soon become the object of levelling tyrannical laws, devised, and enacted, not by representatives of those affected by them, but by this junto, who have significantly boasted that they are "BANDED together" to put down Protestant ascendancy, which, in truth, has had no living existence in Ireland for the last forty years. The ghost of this ascendancy is now raised; and the leader of this ministerial BAND, as they represent themselves, clasps his hands, like Hamlet, in the play, and apostrophizes this imagined ghost by the bombastic description of "a tall tree of noxious growth lifting its head to heaven, and darkening and poisoning the land as far as its shadow can extend;" concluding this bombast by the still more bombastic boast, that "the day has come when the axe has been laid to the root of that tree, and that it nods and quivers from its top to its base." This extravagant ranting would provoke nothing but laughter and ridicule, if it were not uttered by one who may have, and may be permitted to exercise the power of laying his axe to the root of all prosperity, peace, and concord, in a deluded nation.

Under present circumstances, and with power in the hands of such men, special legislation for Ireland is a truly formidable spectre. The union being thus perverted into a combination of an English ministry with an Irish faction, presents a terrifying aspect to the

peaceable and prosperous portion of the Irish people. Justice to Ireland, according to the views of such a confederacy, can mean nothing but vengeance and triumph to one section of this divided community, and ruinous spoliation and oppression to the other. To this new complexion assumed by the union with England, I alluded prophetically in June, 1868. In June, 1869, it has become an accomplished and an astounding reality.

Laws made for Ireland by a Parliament of Great Britain, without any Irish representatives, would not be so subversive of justice towards the Protestant part, or, in truth, towards any part of the Irish people, as laws to be moulded according to Irish ideas, as defined by that majority of Irish representatives, who have been returned at the dictation of the Roman Catholic priests, and are now leagued with a ministry, whose leader has boasted that they are banded together for the purpose of putting down Protestant ascendancy.

The policy and the measures of this confederacy, subversive, as they profess to be, of the hitherto cherished institutions of the country; insulting, as they are, to the prosperous and educated classes of society, and dangerous to their property and rights, must be opposed by what is called the Conservative party, unless this party shall abandon all the principles upon which it has ever acted, and still professes to act. The threatened special laws for Ireland will, therefore, each involve a party question, on which the rival Liberals and Conservatives will be sharply divided. The so-called Liberals must have on their side the large, and, while they hold office, the increasing majority of the Irish members, composed of those elected at the dictation of the Roman Catholic

clergy, of lawyers, and other expectants, whether Protestant or Roman Catholic, whose efforts, fair and foul, to get into Parliament, will be stimulated by the certainty of promotion to some of the twenty-one seats for judges in the Dublin Courts, and about forty seats in the County Courts, not reckoning the multitude of places of minor dignity and emolument at the disposal of the Government. The Upas-tree, with its existing, and its endlessly sprouting branches, will thus supply a perennial succession of questions, and party issues, for the discussion of which the attention of Parliament will be engrossed, session after session, for some years, if not generations to come, unless the envied Irish victims of this policy shall become extinct, and disappear from the country ; or unless Ireland shall cease to be part of the United Kingdom, events either of which can be produced only by an amount of sanguinary strife, of social misery, and of human suffering, which it is appalling to contemplate.

The raising of the ghost of Protestant ascendancy, in the form of this branching Upas-tree, is, therefore, the cunningest and most notable invention in the history of party warfare; and the most profitable contrivance of state craft that has yet appeared in this western world. The Church Bill is but the first fruit of this spreading tree, to be gathered in the autumn of 1869, and the bitter taste of which remains to be experienced in the years to come. A Land Bill will blossom next spring. It is surely time to consider the kind of fruit into which it may ripen. Some Bill affecting the proprietary rights of Irish landlords, and not extending to England, may, with certainty, be anticipated, for it is the next move in the

party game. It is vain to contend that the condition of Ireland, as it is now viewed by the people of England, can be allowed to continue as it is. No one can entertain a rational doubt, that some legislative measure, professing to be a remedy for agrarian evils, the existence of which is universally assumed, will be the ministerial business for the next session of Parliament, whether for weal or for woe.

That something is wrong, in connexion with the tenure of land, which injuriously affects and disturbs the social state of Ireland, is asserted by all parties, and nobody denies it. What that something is, the wisest of our statesmen widely differ; and there is but little concurrence of opinion, as to the cause, and still less, as to the cure for it. But whatever is the cause, the effect is seen in the discontent of the tenantry, and the consequent flight from the country of some; the disposition to agrarian outrage and crime of others; and the destitution of the great majority in number of those who occupy the land of Ireland, in, at least, the western and southern provinces. All agree that this evil exists, however they may differ as to the source of it.

Yet the chief cause of this discontent and suffering is exhibited, in bold relief, upon the surface of the country, and strikes the eye of every intelligent stranger who passes over it. The traveller, in whatever direction he moves, sees, at intervals, large tracts of land saturated with water, and producing a vigorous growth of rushes and other aquatic plants, but scarcely anything valuable to the starving population existing upon it, and dwelling in hovels which shock and disgust the unaccustomed eye of every stranger who sees them. In numberless in-

stances, these spewy tracts are intersected by rapid streams, fed by the water which the saturated soil cannot absorb, and thus inviting the hand of man to tap the sponge, and let off the stagnant water, by a subterraneous passage, to the deep channel of the passing stream; and thus remove what feeds the rush and the flagger, and sours or destroys every succulent plant. Other tracts are seen of great extent, in which a soil of rare fertility is covered over with stones which have lain upon it undisturbed ever since the convulsion of nature which cast them on the surface. One of these tracts may now be seen beside the railway to Galway, not far from the Woodlawn Station, some eighty miles from Dublin, and twenty miles from Galway. I remember this tract, like many others in the same county, nearly as barren as a beaten road, encumbered, as it was, by a natural pavement of stones. About twenty years ago, a Mr. Perry purchased the landlord's estate in this stony land, then of little value; and, with the stones by which its fertility was destroyed, he, by the hands of common labourers, built massive dry-walls, by which he divided it into regular fields of large and convenient extent, and thus suddenly transformed a dreary waste into one of the most verdant tracts of first class pasture to be seen in the country, and now yielding a large return for the labour and capital thus expended.

There are also regions of bog, which have been, for centuries, and still are dismal wastes, but capable of abundantly productive cultivation. In these bogs many hovels are to be seen, surrounded by patches which the squalid inhabitants of these hovels have, by the unaided labour of their hands, reclaimed, and for which they now

pay rent, and raise scanty crops barely sufficient to keep them and their children alive. In most instances, these patches were, by sufferance, occupied rent free, for six or seven years, until the poor tenant, by expending his labour upon them, enabled the landlord, at the end of the limited term, to fix a rent upon them, which is invariably done. I ask especial attention to this practice, which is of frequent occurrence, and which, I think, no person will be bold enough to deny.

Extensive tracts of what, in Ireland, is called mountain common, have for centuries been, and still are used as poor and scanty pasture for stunted cattle and sheep, the property of tenants who hold the arable and rent-paying portions of the landlord's estate. A right of common of very small value, and often the subject of rancorous disputes, is given, proportionate to the extent of the rented land held by each tenant. In these mountain districts may be seen many rude enclosures of portions of the common, which have been reclaimed and cultivated, and converted into farms with a wretched class of cabins upon them, in which the poor people live who were allowed to enclose and reclaim a part of the barren mountain, exonerated from rent for a few years, until the land, by their labour, became able to produce the stunted crops which may now be seen upon it. Here is another instance in which sterile land has been made comparatively fertile by the unaided toil and labour of the poorest class of tenants.

The people who have thus imperfectly reclaimed bog and mountain seldom hold by lease. When they come under rent, they do so, as tenants from year to year, liable to be turned out on a six-months' notice to quit.

As soon as the poor tenant has brought his farm to that degree of fertility which enables him to pay a rent and live, all further improvement is studiously avoided, as a thing which the tenant believes will only increase his labour to produce a larger rent for the sole benefit of the landlord, whom he regards as a vigilant spy upon every symptom of ability to pay more rent. The tenant dreads an increase of rent, even though it should be only half the increased value of the land. The value of further improvement, he thinks, will be a subject of dispute between him and his landlord, and may entice his neighbours to outbid him. He therefore avoids every exhibition of prosperity and comfort, in his dwelling, in his dress, and in the condition of his wife and children. He believes that his safety lies in the deplorable appearance of his hovel, his family, and his rags.

This feeling is not confined to the poor reclaimers of bog and mountain, it pervades the great majority of tenants from year to year of all the land so held in the country. This is the feeling which makes tenants hostile to improvement, even when the landlord proposes to bear the cost of it. This is the feeling which suggests to the tenant the exhausting process of repeated corn crops, by which the condition of the farm and the farmer is constantly deteriorated, until it arrives at the lowest stage of wretchedness.

By a succession of events, commencing in the spring of 1814, after the peace by which Napoleon was deposed from his imperial throne, and made the petty king of Elba, the habit of granting leases, which had previously been nearly universal in Ireland, was changed, and yearly tenancies became, and now are, the general rule.

This change, as far as I know, has never been traced to the events which really produced it, although it is possible, and not very difficult, to demonstrate how it arose. The fact that yearly tenancies ARE numerous, and nearly universal, in Ireland, is alone material in the present investigation, I, therefore, refrain from further tracing it to its causes.

Take away the squalid poverty, the despairing sloth, the sullen discontent, the fierce hostility to their landlords, and the consequent crimes committed by yearly tenants, and tenants whose leases have expired, or are soon to expire; remove these tenants out of view, and with them the wretched agricultural labourers who depend upon them, and you will have obliterated every trace of what is lamentable in the condition of Ireland. It is from these the ports are crowded with emigrants. These are the objects of galling evictions; these supply inmates to the jail and the poorhouse; these degrade the nation by the exhibition of their wretchedness; these furnish to the priest and the pseudo-patriot the topics upon which to alarm and to worry England with inflammatory pastorals, essays, and harangues. These are the opponents of the law, and the obstacle to what their governors call justice, but what they regard as vindictive tyranny. Towards these, as they believe, the law arms their enemies with a sharp sword, and mocks themselves with the colourable protection of a pervious and worthless shield. These writhe under a sense of injustice; and despair prompts them to criminal acts of atrocious vengeance. These derive their only means of existence from the land; eviction, therefore, drives them to the emigrant ship, to the highways, as mendicants, or to the poor-

house, which they regard as an earthly purgatory, and not as a charitable asylum. Political justice to these is certainly a pressing necessity; but justice to these ought not to be done at the expense of cruel injustice to others, many of whom, although accused, have never done them any wrong. To find the means of doing justice to these sufferers, without inflicting injustice on any one—this, in very truth, constitutes the Irish difficulty. Solve this difficulty, find and honestly apply the remedy, and Ireland will soon begin to prosper; and all her woes and dissensions, in due time, will be forgotten. Their poverty, their discontent, their almost morbid sensibility; their irascible temper; their passionate affection for progeny and kindred (which sharpens the stings of penury and want), all combine to make this multitudinous and suffering class of the Irish people lawless and desperate, and to goad them to the commission of crime. Those of them who would not commit murder (and the great majority would not) still are weak enough to believe, that the murder of one landlord, or of one interloping tenant, will deter others from disturbing the possession to which each individual clings, and on which, as they believe, the existence of the whole race depends. They further believe, that the ruffian who commits the murder has been goaded to it by oppression, and the violation of what they credulously regard as his just right to the possession of some bit of land. The criminal act is regarded as sufficient proof of the provocation, and the commission of it is excused, if not applauded, in honour of the vengeful motive to which it is attributed. The odium justly due to crime is thus perverted into sympathy with the criminal; and duty to society is over-

borne by what they feel as a sacred obligation to screen a fellow-sufferer from a law which they neither value nor respect.

The power of the landlord to evict, and the imbecility of the tenant, by lawful means, to resist, is, beyond all doubt, the true cause of all this evil. Those tenants who happen to have a legal defence to their landlord's process never fail to resort to it, and never prefer an appeal to the Ribbon Code. This is so obvious, and so universally believed, that the cry for fixity of tenure, for tenant right, and for compensation to the tenant for his improvements, is heard with favour by all except the landlords. But these words are used without any care to define their meaning. The tenant understands them in the sense of giving him a right to hold possession, so long as he pays his present rent; or excuses the non-payment by some misfortune, such as the death of his cattle, or the failure of his crop. In the existing moral, and physical condition of these tenants, it is impossible to take away the power to evict them, and thus to fasten them on the landlords, without violating the rights of property, and inflicting great injury and injustice on the owners of it. To do so will be to perpetuate, and not to remedy the wretched condition of the agricultural population. Something must be done to improve the tenants, before their right to hold possession of the land is corroborated or prolonged. Some equivalent must be given to the landlord, before the right to evict his tenant can be justly taken from him. No legislative interference with this right can be justified, until some breach of duty attached to the property, and correlative with the right to resume the possession, is

first established against the proprietor. I cannot anticipate that these clear principles of justice will be denied, or questioned. The solution which I propose of the agrarian difficulty must not violate any of these principles of justice, else it is no solution, and ought to be rejected.

Let the tenant have fixity of tenure; let him have tenant right, not dependent on mere custom and the force of public opinion, but supported by positive law: let him be secured in the enjoyment of his improvements. But when these advantages are offered to him, let him understand, and clearly see, that they are attainable only by his own labour, industry, and thrift. Open to him a road through which, by honest and meritorious effort, he can lawfully, and certainly arrive at fixity of tenure; at tenant right; and at undisturbed enjoyment of his improvements; and, if he will not enter upon and pursue this legitimate way to prosper, the fault must be his own, and all grounds of just complaint will be taken from him. Let the Irish tenants have an option to choose between a meritorious and a criminal course of proceeding for redress of their grievances, and the responsibility of taking the wrong road will justly lie upon them. I would fain believe, and my opinion is, that he makes a false estimate of the reasoning faculties and moral instincts of the Irish race, who assumes, that, having the power to choose once made obvious to them, they will turn into the paths of villany and guilt, deserting the open road to peace, prosperity, and safety. I have long been of opinion that a safe and just means exists of exciting the tenants to industrial and moral improvement, without injuring the property or abridging

the legitimate rights of the landlords, or taking from them anything which society has expressly, or impliedly undertaken to protect for them ; or which common justice towards their fellow-men can suffer them to retain.

The chapter which I added to the second edition of "Ireland in 1868" is headed with the aphorism "that property has its duties as well as its rights." This aphorism applies with peculiar and irresistible force to property in land, which is an artificial institution, founded upon, and supported by no reason, except the social necessity for a provident encouragement of agricultural industry in the production of sustenance for mankind, when congregated in civilized communities. The organized force of the State is applied to protect exclusive possession for the proprietor of land, in order to induce him to cultivate and sow, in the confident assurance, that what he sows will be allowed to grow and ripen ; and that no other than himself will be suffered to reap it. The expectation that rational regard for his own interest will prompt him to cultivate the land is the consideration which moves society to abridge the liberty of others, and to protect for him an exclusive possession of a part of the soil and surface of this globe, to every part of which all would seem to have an equal right of access. The motive upon which this protection is thus given implies a reciprocal duty, and imposes a moral obligation on him who claims and enjoys the protection to make the soil so guarded for him reasonably fruitful. This is the only rational foundation for the law which entitles him to exclude all others from the land which he claims as his own.

A man who neglects the duty of cultivating the land so

confided to him, and leaves it in its original sterility, or who lets it out to others upon such hard or uncertain terms as to disable, or discourage them from performing the duty which follows the land, and attaches to the precarious possession which he hires to them, not only justifies interference on behalf of the State, but he makes it the duty of the Government to apply a legislative remedy for this plain abuse; and the only question is what the remedy should be, and how it can be justly and efficiently applied. To point out this remedy and a practicable method of using it, in the present condition of Ireland, is the task which I have undertaken, and I shall best perform it by taking one of those cases in which the disorder appears in its most aggravated form.

Consider the case of a tenant who squatted upon, or in some way got possession of ten or twenty acres of barren bog or mountain, free of rent, until he made it such as it now appears, with a rude hovel upon it, in which this tenant and a half-starved family live, by raising scanty crops barely sufficient to pay a small rent, and keep themselves alive. When by unaided labour, and without capital of any kind, this poor man raised a mud hovel, in which to shelter, and scraped into ground the seed for his first crop, by working before and after the hours which he was obliged to give for wages to buy food, he subdued a difficulty greater than any which he had subsequently to encounter. In each succeeding year his condition was better and easier than in that which preceded, until the year arrived in which he was forced to pay a rent. Up to that, he had been working for himself, and his course was clear and simple. Now that

the half yearly visit of the driver is to be provided for; now that an advance in the rent is not to be provoked, or the alternative notice to quit encouraged, further effort is paralyzed, and further improvement must be carefully avoided. Leave him as he is, subject to the power of his landlord, and he transmits to his children the misery which he endures himself; and the landlord transmits to his heir the paltry rent which a humane man would not think worth the painful process of extorting from the wretch who pays it.

Enact a law by which this tenant may, by a cheap, and simple process, and by an energetic application of his labour, acquire a secure title to hold his land at the present rent, and you alter his views, and excite in him new motives of action. Give him a right to transmit a written notice to a certain public office, stating his intention, within the next three years, to increase, by certain specified improvements, the annual and marketable value of his house and land, by one-fourth, or some other substantial fraction, or (it may be) multiple of its present value, estimated by the rent which he pays; let no formality be required, beyond a simple statement of his intention; of the amount which he proposes to add; and a concise description of the improvements which he desires to make; such as building a better house; building useful farm offices; draining so many acres of spewy land; or executing some other works, of which it is easy to exhaust the variety. If this tenant cannot write, he will have little difficulty in finding some friendly hand to write this simple form for him; and a postage stamp will secure the transmission of it to the proper quarter. Make it the duty of some official, upon receipt of this notice, to

send a public officer (call him an Inspector of Works) to inspect the farm, and report whether the specified improvements are such as the tenant should have liberty to make, and, having made them, should be entitled to a certain term of years, at the present rent. Let this report contain a concise description of the house and land in their present state, and let copies of the tenants' notice, and of this report be transmitted to the landlord by a registered letter informing him, that any just objections shall be duly attended to, if made before a specified time. If no valid objection shall be made, let the tenant have a certificate entitling him to commence and prosecute his improvements, and protecting him from a notice to quit, on condition of commencing before a certain day, and prosecuting his work to the satisfaction of the Inspector, until completed; and also paying his rent in the meantime, each half year before the next falls due. Give the landlord a right to serve a written notice of default; and if default be made, let the Inspector report that the certificate should be revoked, and the landlord restored to his right of terminating the tenancy as it originally existed. On the faithful performance of the undertaking, to the satisfaction of the public Inspector, let the tenant be entitled to a certificate by which his possession shall be protected for a term of years, the length of which is determined by the magnitude of his improvements. The old rent to be recoverable, during the new term, by the same process as before.

It is well known that, in Ireland, as a general rule, the landlord spends nothing in the improvement of his tenants' lands. He leaves the tenant to build his house, and farm offices, according to his means, on his own

plan, and in his own way. The tenant has to make and keep up the fences. He takes his own course in cultivating crops by which to produce the rent. The sole function of the landlord is to enforce the payment, which is usually performed by an agent. Until recent times, landlords did not much concern themselves in the management of their estates, beyond the collection of rents, and keeping them up to the value of the land. In this the agent has a common interest with the principal, being paid by a percentage on the amount collected. This negligent, and vicious system has been so long and so generally pursued, in Ireland, that any landlord who now seeks to reform it, or to interfere with the tenants' treatment of the land, meets with opposition and obstacles at every step. Reciprocal distrust is so inveterate, and so general, that the united and consistent action of landlord and tenant, essential to the improvement of the land, is not possible; and every attempt to produce it creates jealousy, rancour, and hostility, which too frequently ends in the commission of crime.

It would answer no good purpose to demonstrate that the landlords are the cause of this pernicious distrust: and equally useless it would be to trace it to the misconduct of tenants. There is no foundation for assuming that the fault is entirely at one side or the other. In truth, it lies at both sides; and it would be difficult, if not impossible, to determine now how much of the vices of one class are the cause, and how much are the effect of the vices of the other. To determine this would be useless, even if it were possible. The distrust exists, and its natural consequences must follow, no matter who is to blame for it. Mutual recrimination has produced, and

is still producing empirical remedies; but the malady continues, and its intensity increases by the notice which is taken of it.

Nothing has been done to reform the industrial habits, or improve the morals of the tenants: nothing has been done to take away or lessen the power of the landlords. This power cannot be justly abolished or diminished, unless some concurrent steps be taken to improve the tenants. These parties, at both sides, have the power of reciprocally injuring each other; and it is painful to see with what baleful effect they use it. This power cannot, with justice, be taken from either, unless it can be taken from both. To paralyze this ability for evil, and to invigorate every useful faculty, and to stimulate the exertion of it, is the sum and substance of the solution of the agrarian difficulty, which I am endeavouring to work out, with all sincerity, however inadequate my ability may be to the completion of such a task.

It is notoriously true, that the tenant will not expend his labour, or the capital which he may have, upon a promise of the landlord to forbear from raising the rent, or evicting the possession: that the landlord will not *bind* himself to forbear, on a promise of the tenant to improve the land. Thus they stand at bay with each other; industry is paralyzed; and the whole community suffers. My proposition is, that the occupier should, under specified conditions, in all cases, have liberty to increase, permanently, the fertility of his land, the value of the buildings upon it; and to enhance the price which his holding would fetch, if brought to sale in the market; and by so doing entitle himself to a fixed term.

The classes of improvement by which an occupier

may thus increase the permanent market value of his farm are not numerous, and may be clearly defined. The erection of a suitable farm house, and the prostration of the smoky hovel : the addition of convenient offices, where no sufficient offices existed before : effectual drainage, where the land requires it, and where it is practicable, and promises an adequate return : making useful fences of approved construction, suitable to the locality : straightening crooked fences ; and levelling such as are useless or wasteful : clearing a fertile soil from stones which encumber and make it barren, or materially diminish its productiveness : reclaiming and bringing into cultivation a defined extent of mountain waste or bog.

The capacity of land for such improvements as these may, with great ease and certainty, be ascertained, on a bare view, by any one of ordinary skill and experience in such matters. Where that capacity exists, and where it has been neglected, the interests of society have been disregarded, and the duty attached to property has been evaded. The capacity for improvement, no doubt, is an incident inherent in the land, and belongs to the owner. But this word "BELONGS," when used in relation to land, has a meaning essentially different from its import, when applied to a chattel. One who gets lawful possession of material, in its natural state, and by his ingenuity and labour, converts it into a valuable fabric of any kind, may truly and justly say that fabric belongs to him, in the most unlimited sense ; and he may destroy it, or do with it what he pleases. But when a man says land belongs to him, he means nothing more than the

fact, that the State, of which he is a subject, protects his exclusive possession of it. This protection imports no right to destroy the land ; but it does import an obligation, more or less perfect, to use it as the common interest of society, and of a rational owner would dictate. The identity of these interests, and individual thirst of gain is the only security which society has for the due cultivation of the land. Capacity for improvement is entirely useless, both to the owner and to the community, so long as no improvement is made. The man who, and whose ancestors have never derived any other benefit from the land than the rack-rent which a half-starved tenant has paid for it—who has taken no steps, and has no intention to take any steps to alter this ancient and present condition of his estate, has no right to complain, if his tenant, or any other person, be allowed to double, or quadruple the value of the land, and be protected in the enjoyment of the improvements which he has made, so long as he pays the accustomed rent, and upholds his improvements. It is a mere abuse of reason to say, that by this process the capacity of the land for improvement, which is an incident theoretically belonging to the landlord, is taken from him, and bestowed on the improver. This process of promoting improvement, by protecting the possession of him who makes it, simply decides, that the landlord shall not any longer be allowed to act as a dog in the manger, the moment a person undertakes to utilize that which, hitherto, has been utterly, and for the commonwealth, mischievously neglected. It is a palpable fallacy to say, that this injures the landlord, and equally a fal-

lacy to deny, that it confers a great benefit upon him, and very much betters his condition. It makes the rack-rent secure, which before depended on the wind and the weather ; on the health of a tenant too frequently fever-stricken, and famine-stricken ; on the fluctuation of markets ; on the absence of the murrain, and the sheep-rot ; on the labour of a disheartened pauper. It secures payment of the rent, without recourse to a process which sends the wife and children of the tenant to the poor-house, broken-hearted ; arms the assassin, sacrifices the landlord's life, and condemns his slayer to the gibbet. The landlord who complains of this change, thus obviously as beneficial to him, as it is salutary to the country, is querulous without just cause, and no attention should be given to his complaint

Pass an Act by which every tenant in the country, great and small, having a term less than seven years in his land, shall be entitled to transmit to some public functionary, constituted for the purpose, a written notice that he desires to improve his farm, and undertakes, within three years, to add twenty per cent., or some other substantial and specified amount, to the present yearly value, and let him have liberty to do so, if he only specifies before-hand a reasonable and practicable plan of his intended work. If, on inspection, his proposal be approved of by an impartial public officer, let him have a protecting certificate, during the time of execution, and on completion of the work, to the satisfaction of the public Inspector, let him be entitled to a certificate equivalent with a Parliamentary grant of a term, at the old rent, and of duration proportional to the magnitude of his addition to the permanent agricultural value of

his farm. Let an addition of twenty-five per cent. entitle him to thirty years. Give him sixty years, if he adds fifty per cent. ; ninety years, if he adds seventy-five per cent. ; 120 years, if he doubles the present value ; and let the scale ascend, so as to make it possible, in certain cases, to acquire a perpetuity, and convert the old pecuniary payment into a fee-farm rent. This would be possible only when the original value was small, and the capacity for improvement very great. Provide justly for the case in which the tenant may have miscalculated, and fallen short of the improvement which he undertook to make. Visit him with no worse consequence than to curtail the term in proportion to the deficiency in the effect of his works. Give him a term equivalent with the improvement which he has produced, and encourage him to continue his efforts, if perseverance is likely to succeed.

The liberty to improve neglected land, on the terms here suggested, of paying to the owner a rent equal to its present annual value, should not be confined to tenants. Justice to society demands, that this liberty should be given to any man who will undertake, within a specified time, to expend a certain amount of capital, and to produce a certain increase in the agricultural value of land, which has never been reclaimed, although profitably reclaimable. This difference, however, should be made between a stranger and a tenant in occupation, that the right of strangers should be confined to waste lands, or lands uncultivated, and used, if used at all, merely as common of pasture for stunted cattle, though capable of large and reproductive improvement. The right to take such land for reclamation should de-

pend on the decision of the tribunal constituted to carry the Act into effect. A rent equal to the full amount of profit or benefit of any kind, which, on an average of twenty years, has been derived from the waste now claimed for reclamation, should be reserved upon the fee-farm grant. The title to this grant should be a written undertaking to expend a specified amount, within a certain time, on works defined in the undertaking, and approved of by the public Inspector. The Ordnance maps, the utility of which is not yet fully developed, will afford facilities of inestimable value to undertakers of such works as this.

Undertakings to reclaim considerable tracts of neglected land will not be entered upon by any but men of some capital, and no other should be encouraged to attempt such operations. To such men it will not be a discouraging condition to require, as a security for due performance of the undertaking, that a sum equal to one-tenth of the estimated outlay be invested in Government stock, as a condition precedent to the liberty of commencing; the stock to be transferred to the credit of the undertaking, with the privity of the Accountant-General of the Court of Chancery, and to abide the orders of the tribunal for carrying the Act into execution. On the investment of this deposit, and the lodgment of a written undertaking to execute the works according to the approved specification, the possession should be given, subject to be resumed if the works be not commenced before a certain time, and prosecuted with due diligence, to the satisfaction of the public Inspector, whose intervention the original owner of the land should have a right to demand, in cases of wilful default. At the end

of the time limited for completion of the works, the undertaker should be entitled to have an inspection ; and a certificate of performance, if the public Inspector be satisfied with the result of the inspection. The new tribunal should have jurisdiction, from time to time, to make such order as justice should require, to meet contingencies ; such as enlarging the time for completion, or discharging the undertaker from further prosecution of works rashly undertaken in ignorance of hidden difficulties, detected by the operations in the course of execution. Due regard should, in such cases, be had to the effects, beneficial, or injurious to the original owner's adjoining property, in adjusting the terms of such final order. If the undertaker, at the end of the time, or enlarged time, shall have performed his contract, and entitled himself to a certificate equivalent with a Parliamentary fee-farm grant, at the rent at first adjusted, the original owner should have the option of releasing this rent, and accepting a certain amount as the price of it. In the case of settled estates, the fee-farm rent, or the income arising from the investment of the price, should go according to the trusts of the settlement, by a familiar process, of constant recurrence in taking land for railroads and other public uses.

Here again recurs the objection, that, by this proceeding, the capacity for profitable improvement, which is a valuable incident of the waste land, is taken from the owner, and conferred on a stranger. The answer before given applies as forcibly in this case, as in that of an improving tenant. The same principle of justice between the community and the owner of land, which sanctions a compulsory purchase for public roads,

railways, and other uses beneficial to the community, is equally applicable to the reclamation of wild land. If it be just, on the ground of public expediency, to take from the owner the house which he has built ; in the construction, and furnishing of which, he has spent much thought and personal labour ; to which he has become attached, as a residence suited to his taste and convenience ; and from which it may be a painful mortification to be removed, it may be in his old age ; if it be just to take a broad stripe of his planted demesne, or even of his garden, and thereby disfigure the whole, merely because public convenience demands a railroad for its traffic, it cannot be a just cause of complaint that a tract of waste land is taken at its present value from an owner, who, and whose predecessors, have utterly neglected, and suffered it to lie a dreary waste for centuries, it being now claimed for a purpose highly beneficial, if not essentially necessary, to the prosperity of the nation. If the owner himself has earnestly commenced the work of reclamation, and is, *bonâ fide*, proceeding with it, let no person interrupt him ; and a single sentence in the Act will be sufficient to protect him. But if his complaint be, that the plough and the harrow will banish the grouse from his moor ; the snipe from his marsh ; and the foxes from his cover, reason, common sense, humanity, and justice to society, are all against him, and no honest statesman should attend to his frivolous complaint.

The increase, in value, which is to confer a right to fixed tenure, should be confined to value founded on improved productiveness. To this category belong the erection of a commodious house, and farm offices of a du-

construction, and size suitable to the extent of the farm; the construction of straight and lasting fences, sufficient for security of the crops; erection of corn stands; or sinking wells where water is deficient. These are all ancillary to production, and to the preservation of produce; and, therefore, justly come within the principle of tenant right improvement, to be encouraged and securely protected for the improving tenant.

The conversion of land into building lots for houses, or villas, should not confer any right to tenure, beyond what voluntary contract had previously given. Improvements of this kind create only an artificial value, which may depend on fashion, and on changeable circumstances, which in time may destroy the value of the buildings, and with it the value of the ground on which they stand. This distinction is easily defined, and there is no difficulty in providing for it.

It may be said that, in what I am now suggesting, I depart from the principles which I last year advocated, in the book before referred to, where legislative interference in the contracts between landlord and tenant is deprecated as useless or mischievous. My answer is, that, in that book, I was commenting on schemes of special legislation for Ireland, productive of nothing but an injurious divergence of the law of tenure in this country from that in England; legislation conceded to unreasoning clamour, and factious agitation—legislation by which the tyranny of changing laws was inflicted, and no improvement whatever produced. I am not advocating special legislation for Ireland, but endeavouring to point out a remedy for a great social mischief, assumed to exist extensively in this country; and which

may, and probably does exist also in England, but to a much less extent, and in a less injurious degree. As this remedy is not applicable where the mischief does not exist, there is no reason for any express clause to limit it to Ireland ; and it should be an imperial Act.

The solution of the land difficulty which I am now submitting has not recently occurred to me. I have long reflected on it ; and I never had a doubt that the social principles on which it rests are clear and well founded. I have long been convinced, that, if adopted, not as a party measure, or as a concession to agitation, but in the true spirit of remedial legislation, it would, in due time, produce salutary effects. This conviction is entirely consistent with my silence on the subject. Hitherto proprietary rights in land were guarded, in both countries, with a jealousy, which intuitively rejected every innovation having any tendency to derogate from the power of the landlord. I would have earnestly advised the landlords to adopt a resolution never to take any other benefit from improvements, made at the expense of their tenants, beyond the additional security for the old rent which would result from them. Had such a resolution been promulgated, I would have anxiously persuaded the tenants to place confidence in it ; but I never believed that I could persuade the landlords to publish any such resolution, or the tenants to confide in it, if it were not legally binding. Tenant right resting on the voluntary forbearance of the landlord is held valuable in some counties in Ulster ; everywhere else, it is believed to be worthless.

In Ulster this right had its origin in the peculiar circumstances attending the settlement of these counties

in the reign of James I., after the lands had been devastated by civil war. These lands were granted on an undertaking to plant them. Colonists were introduced by the grantees under an assurance, express or implied, that, if they would reclaim the waste lands, the low rents which represented the then present value should not be raised; and that, if the tenant, after reclaiming his land, desired to sell it, the landlord would accept the purchaser, as his new tenant, at the old rent. Original confidence in this salutary compact stimulated industry, and produced the prosperity of which Ulster so justly boasts. While the compact was recent, and memory of it fresh, the landlord dared not the violation of it. To do so would have broken up his colony, and spoiled all his hopes. Forbearance thus enforced by obvious interest, became, in the course of time, a settled habit of the landlord. The right to claim this forbearance was traditionally remembered by the posterity and successors of the original tenants; and upon this traditional memory tenant right now rests in Ulster. It is both cause and effect of energy, and of successful labour. It emanated from the voluntary adoption by landlords of the principle for which I am contending. Persistent adherence by the landlords to the spirit of their contract confirmed the confidence of their tenants, and the happy effects followed, as a natural consequence. The custom thus originated is now corroborated by time; and, although it is unsupported by law, it stands in defiance of it, and is enforced by public opinion.

The cause which produced tenant right in Ulster never existed in the other provinces. Events which it is worse than useless to commemorate, created distrust

between landlord and tenant, which spreads a withering blight over some of the fairest portions of the Island. The vices, at both sides, which produced this national scourge are epidemic ; and no matter what means are used, or what remedy is applied, *time* is essential to the cure. Little can be done to reform the habits of those who have passed the meridian of life. No vice is more incurable than habitual sloth in one who has passed the age of fifty. The absence of all taste for decency and comfort is a moral defect of which it is difficult to make an old man or woman sensible. These are amongst the most prominent defects of the pauper peasantry of Ireland. No remedy can be more than partially effectual in removing the ignorance, and reforming the industrial habits of the declining generation. I hold a different opinion of their sons, and their daughters. Once convince these, that in the land of their birth, and in the midst of their kindred, the fruits of their labour will be their own, and they will not fly to a foreign land for a blessing which they may enjoy at home. Let the sons and daughters of a disheartened tenant be assured that the spewy farm will be their own, for a substantial term, at the present rent, if, by the labour of their hands, they can materially increase its value, as represented by the present rent, and it will soon be seen with what alacrity they will go to work, and how suddenly they will change their views, and improve the aspect of their affairs.

We have been, for many years, and we are still beholding, groups of stalwart young men, and comely women, in all the vigour of health and youth, well dressed, and exhibiting every appearance of energy and intelligence, following carts, laden with boxes and chests,

in which are packed the goods abstracted from the wealth of their own country, and from the working capital of their kindred. These are the very flower of the rural population, flying from a country in which the labour and the capital which they are bearing to a foreign land would yield an ample and secure return, if applied to the soil which they are now deserting. The evils which scare them away are multiplied, and aggravated by their flight, and hopelessly perpetuated upon those who remain, and who cannot fly. The aged father, whose sons and daughters desert him, sinks under the difficulties which drove them away. The capital which the family had is carried off by those who could have used it with effect. The expenses of the transit consume a large proportion of it. Loss of the remainder, and ultimate failure, is too often the final result of painful toil in a foreign land, in unaccustomed extremes of alternate frost and burning sun. There are but few instances in which the farms deserted by these emigrants are not susceptible of large improvement, well within the power of the unbroken family to accomplish, and which would be cheerfully undertaken upon such terms as I have described, if the people were convinced that these terms were secured to them.

If the experiment which I suggest, upon a fair trial of it, prove a failure, the case of the Irish peasantry is hopeless, and the notion of ever making them, in this country, better than they are, is a mere chimera. If they will not comply with the inflexible conditions of civilized life, and bend to the task of subduing the earth, and making it fruitful by industrious labour, according to God's ordinance, then the fate of the Red Indian awaits

them, and they must move Westward, until the ocean stops them, or bears them to the new world, to be there absorbed in that growing multitude whose governing principle is progress, and at whose stern command the stranger must go ahead, or sink and be trampled under foot by the bustling and pitiless crowd in which he has rashly mingled. What proportion of the myriads who have left Ireland, in the full enjoyment of health and hope, have met this fate, and have sunk under difficulties and trials which they did not foresee, we know not, and never can know.

That they leave behind them a subject upon which their labour would be much less painful, and the return greater and more certain, I have no doubt. When the population of Ireland was but two millions, famine, and pestilence made annual havoc amongst them: when it exceeded eight millions, as it did from 1840 to 1846, nothing was heard of but monster meetings, and wanton agitation for repeal of the Union, and the people never had less of real evil to complain of.

It cannot be said, with any colour of truth, that the land which supported these eight millions owed much of its fertility to the skill or labour of those who lived upon it. How many times the produce of the same fields might have been multiplied by better cultivation has never been calculated, nor much attended to. That it might have been so multiplied is perfectly certain. How many millions of industrious people the waste lands of Ireland might be made to support, in comfort and plenty, has never been computed. But nothing is more certain than that where hundreds now starve, in querulous sloth, and tattered rags, thousands might live in con-

tented happiness; not by sickening labour in crowded factories, and noisome workshops; nor by delving in the dark coal-pit, exposed to the deadly damp; but by rural and congenial industry, in cheerful day and open fields, made fruitful by wholesome labour, in the mildest climate upon earth.

Upon the Irish people, compounded, as it is, of different races, and divided, as it ever has been, into jarring factions, kind Providence has bestowed an ample inheritance, upon no harder conditions than those imposed upon the most favoured nations in the world. They have this inheritance in the very plight to which they themselves have brought it. Those whose duty it is to reflect and to think, and justly to govern those who work, are feared, hated, and distrusted by those who should, by wise and proper treatment, be made docile, loyal, and industrious. Those who are called the Irish race—who are the discontented, slothful and pauperized peasantry, to whatsoever race they belong, are by the orators of all parties lauded for natural sagacity, and intellect above the average of other nations. This is true, to the full extent which enables them to see whether the fruits of the labour which they are called upon to bestow are to be enjoyed by themselves, or by those who invite them to work. In this particular, they are peculiarly sharp-witted; and their willingness to work being below the average standard, while their love of ease is above it, nothing is more futile than to expect that they will toil upon the terms of *sic vos non vobis*. The landlord who annually repeats his notice to quit, and thus secures the power of evicting his tenants; and the landlord who refuses to give an enduring term, and yet expects that

his tenants will labour to improve the land, will certainly be disappointed; and every just man will say that he deserves no other result. He may pledge his honour, and pledge his word, and repeat his verbal promises with any amount of asseveration; but while his hands are loose, the tenants will not believe him. They receive his assurances with apparent assent, and repay them with promises and protestations of equal value, which are indescribable by any other than the vulgar term "palaver." This has gone on until both classes have, in dealing with each other, been demoralized to a lamentable extent.

I am far from asserting, that there are not, in Ireland, some very noble exceptions to this appalling description; and other exceptions of inferior degree, down to the lowest grade of tolerable landlords; but these exceptions are just sufficient, and only sufficient, to prove the rule; and they have no sensible effect in redeeming the country from the slough of misery in which the rural population are involved.

Outside this rural population, and their landlords, the other classes of the Irish people are active, and thriving; and would be happy and contented, but for the alarm created by the agitation to which the land dead-lock here described gives countenance and power for mischief. This agitation has been gaining strength, until, at last, the agitators have become an organized force, worthy of a place upon the battle-field of the contending English parties, who fight for the dignified office of distributing the surplus of the seventy millions collected from the industrious nation. These agitators have been accordingly enlisted, and subsidized, at the

expense and peril of the classes who produce whatever there is of social order and prosperity in the country. The accession of this unscrupulous contingent has turned the scale, and given the victory to the band which they have joined, and the junto has put the Conservative ministry to flight, and has scattered and dismayed the whole party. The property set apart for support of public worship, according to the reformed faith, by law established, and by the national love of liberty approved, is confiscated, to gratify the malignity of one Irish party towards another, and this infliction upon a large section of the people is called an instalment of justice to Ireland. The next instalment must be taken from the land, by what means is not yet disclosed.

In discussing the Church Bill, no more cogent argument was used by its promoters, than the inability of its opponents to produce any counter scheme. It was assumed, as an indisputable axiom, that the Church could not be allowed to remain as it was; and the Conservative party were taunted with the question, what had they to propose as a counter scheme for reformation of the Church, in opposition to the Government Bill? That the relations of landlord and tenant cannot be allowed to rest as they are, in Ireland, is asserted with greater vehemence, and with much more appearance of truth and reason, than the same allegation against the Church. When the ministerial scheme against the landlords shall be proposed, involving, as it must do, some form of redistribution, and some abatement of present rights, if not confiscation of property, the absence of any counter scheme, and the assumed necessity for *some* scheme, will be a telling argument in support of any Bill brought in

by the Ministry, however trenchant; and however subversive of proprietary rights. This will come next Session; the time to prepare for it is fast running out—the wolf is already at the door!

The owners of land have been long accustomed to believe, that their rights, and their property are so well fenced by the laws and constitution of this realm, that they may securely disregard all threats, and listen with composure to the vapouring speeches of agitators and assailants. This was safe while the power of legislation was in their own hands. By the Union, the Irish landlords lost this power, and it is now in other hands. It is just twenty years since the united legislature to which it passed, dealt a blow to the owners of property in Ireland which ought to have roused their attention to the battery raised upon the Union, by which their fortress is commanded.

In the book before alluded to (pages 202 to 212 of the first edition, pages 212 to 222 of the second edition) I exposed the ministerial blundering by which the visitation of the potato blight was fatally aggravated. I endeavoured to demonstrate the iniquity of the Act for Sale of Incumbered Estates in Ireland, with all the light which could then be let in upon that cruel confiscation of vested property. Since that book was published, the true origin of that measure has been accidentally disclosed, although no notice has yet been taken of the new light let in upon it. The effect of that single Act of Parliament was to take from landowners, and their creditors, property worth twenty-five millions, to which they had a title as perfect as law could make it, and to transfer that property to new owners for about ten mil-

lions, thus confiscating Irish property in land, to the extent of fifteen millions, by legislation *ex post facto*, a species of tyranny unexampled, in any other free country in the world. The true history of that Act assuredly deserves attention, if history is of any use at all. That crushing enactment has been strangely lauded by politicians and their partisans; its real character has not yet been fully exposed to the execration which it deserved; and which unheeded victims, when sinking in despair, bitterly uttered upon it.

In the present year, Lord Campbell's daughter has published a posthumous volume, containing her father's biography of Lord Lyndhurst and Lord Brougham. At page 561, it is related, that during the Session of 1849, "Lord Brougham was exceedingly factious," and that "he vigorously opposed almost every Bill of which Lord Campbell had the charge—particularly the Irish Encumbered Estates Bill," which the biographer asserts (without a shadow of proof) has done more to tranquillize, and civilize Ireland than any other Saxon measure.

Many passages in this volume were offensive to Lord St. Leonards, and have provoked his lordship to publish a pamphlet contradicting the misstatements which gave him just offence. In this pamphlet, at page 48, it is stated that the office of Chief Judge of the Incumbered Estates Court was offered to Lord St. Leonards, and refused. At foot of page 49, is a note in the following words:—

"I may here mention that while the Bill was passing, the Government gave some mysterious hints as to the manner in which the Chief Judgeship was to be filled. As soon as it passed, Lord John Russell sent for me, and made the offer, which I of course declined. He

said he supposed I knew the nature of the Bill. I answered it would be singular if I did not, as I was the author of the measure. He looked incredulous. I explained to him that Sir Robert Peel had a scheme for relieving the incumbered estates in Ireland, and he sent it to me for my opinion (I have it now before me, a long and elaborate paper). I wrote to him to say that I thought his plan would not work, and I then gave him a sketch of a Bill which would work; but I observed that I did not say I would pass such a hard measure, if I had the power. I considered it as to property, like the suspension of the Habeas Corpus Act as to person, and, like it, it should not be carried beyond the actual necessity of the case. That letter Sir Robert sent to Lord Clarendon in Ireland, and he sent it to the Government at home, and upon that scheme the Bill was founded, as I think Sir Robert Peel informed me. I understood Lord John Russell to say that he believed some paper was sent."

Now, that the organ of the party in power expresses the impatience of that party to be again at the work of legislating for the owners of Irish property, under the pretence of redressing the grievances of their tenants—now, when the leaders of this party peremptorily refuse to disclose the nature of their intended measure, further than the incredible assertion, *that it will be satisfactory to all parties*, it ought to be useful to direct attention to the way in which this same party, comprehending nearly all who now survive of the same men, exercised their power, when legislating for Irish landowners, and their creditors, in 1849.

By this note of Lord St. Leonards, it now, for the first time, publicly appears, that Sir Robert Peel had designed a scheme for RELIEVING incumbered estates, and had submitted it, in an elaborate writing, for the opinion of Lord St. Leonards—that Lord St. Leonards expressed his belief, that the plan so devised "would not work," and gave the sketch of a Bill that would

work. But, to guard himself from moral responsibility, he candidly observed, that he would not himself pass such a hard measure, if he had the power ; and he gave his reason in a short, and singularly expressive sentence, viz.—that, as to property, this Bill was like the suspension of the *habeas corpus* Act, as to person.” This pithy description of a working purge for famine-stricken Ireland, devised by the most accomplished lawyer of his time (held back, and not administered until the country was collapsed), requires some explanation to make its full meaning intelligible to ordinary minds.

If the Crown, or the Minister, or any other functionary in power, seizes the person of the meanest subject of this realm, the *habeas corpus* Act gives that subject a right, and, under a heavy penalty, imposes on every Judge an obligation, to compel the jailer to bring the body of his prisoner into a court of law, and there, in the presence of a public audience, and of a congregation of independent, and highly informed lawyers, to show a good and legal cause for detaining his prisoner ; and, failing to do so, he *must* restore him to liberty. Before this Act, and during any suspension of its operation, personal liberty had not, and has not any protection from arbitrary power.

By the law of England and Ireland, as it stood before the Act of 1849, a creditor, seeking a sale of the land on which his demand was a charge, should proceed in a court of *equity*, in which the rights of other creditors, and also of the debtor, were recognized, and protected. The existence of this protection was universally known, and operated as an inducement to lenders to part with their money on landed security. Suddenly to take

away this protection, after allowing it for a century to operate, and after an enormous amount of property had been lent upon the faith of it, was the sum and substance of the plan which Lord St. Leonards thought would work, but which he branded as a hard measure, as destructive to property as a repeal of the *habeas corpus* Act would be to liberty.

The scheme devised by Sir Robert Peel, and submitted to Lord St. Leonards, has never been before the public; and all we know of it is, that it was intended to *relieve!* incumbered estates, and not to *confiscate* them. In the debate upon the hard Bill, it was stated, that Sir Robert Peel's scheme made it a necessary condition of sale, that the full value of the land should be obtained; and this was stated as the essential difference between that and the Government Bill for sale of Incumbered Estates. Sir Robert Peel's ministry went out in June, 1846, two months before the potato blight, and while the value of land was at its highest point. Whether his reference to Lord St. Leonards was before or after his resignation does not appear, but from the note before quoted, I would infer, that it was before, and that the draft Bill, on the change of ministry, came to the hands of the new Government, in the same way as Sir Robert's arrangement with Baring and Co., which they found in the Treasury Office, and brought to light, for the purpose of boasting that they would not follow the precedent.

In the interval between the resignation of Sir Robert Peel, in June, 1846, and May, 1849, when Lord Campbell brought in the Bill for sale of Incumbered Estates, the famine, aggravated by a blundering policy, had re-

duced the market value of Irish land to much less than half what it had been until the end of 1846; and to force a sale, during that temporary depression, was to confiscate more than half the property.* This was understood and admitted by those who brought forward the dormant sketch of the HARD BILL; and it was proposed by the ministry, and discussed, as an avowed scheme for confiscating incumbered estates in Ireland, and as an improvement upon Sir Robert Peel's plan for *relieving* them. Lord Brougham, in a temperate reasoning speech, pointed out this effect of it; and, upon the plainest principles of justice, deprecated and condemned it. Very few of the Irish members opposed the Bill; Irish eloquence was fluent in support of it; and an English opponent sarcastically observed that "the Irish members made a great chorus" in praise of it!

The ground on which this avowed scheme of confiscation was justified was, that those whose estates were incumbered were but nominal owners, and unable to do their duty to the land, and to the people upon it. That the state of Ireland demanded some extraordinary stimulus to accelerate the sale of land, for which purpose, it was alleged, the Act of the previous Session had proved abortive. That was entitled—"An Act to facilitate the Sale of Incumbered Estates in Ireland," but it respected, and left untouched, the long established equity which protected the interests of puisne creditors, and the right of redemption. No novel Court was created to carry that Act into execution, and the old Court was

* See Ireland in 1868, first Edition, pages 202-212, second Edition, pages 212-222.

bound by the well-settled rule of justice, which forbade a sale ruinous to all, except the owner of an early encumbrance. This was the protection to property, analogous to the Habeas Corpus Act, which Lord St. Leonards rightly thought it a hard measure to take away.

A much louder cry has now been raised against the Irish landlords than any that was heard in 1849. They stand now denounced, and condemned as a rotten branch of the pestilential Upas-tree. Can they hope, that, being thus marked for amputation, this so-called mortified limb can be suffered to remain as it is? When the axe shall be raised to lop it, the question will be asked, what is the counter policy of those who would stay the stroke?

An enemy to mutilation—an enemy to the trenchant policy which, in 1849, reduced some ancient families to beggary, and destroyed the securities on which the provision for the widow and the orphan had been invested—an enemy to the truckling policy which, under pretence of putting down a Protestant ascendancy which does not exist, is confiscating the property set apart for support of an independent, tolerant, and an usefully laborious hierarchy, and thereby giving a galling ascendancy to an organization to which no power was ever yet conceded that they did not cruelly abuse—an enemy to the levelling policy which assails the stability of laws, and ancient institutions, and tramples upon vested rights, I am desirous, while there is yet a time for deliberation, to suggest an answer to the anticipated question—what is the counter policy to the Ministerial scheme for putting down the Protestant ascendancy in the ownership of land?

When seeking an effectual remedy, we should know, and keep constantly in view, the true nature of the disorder which we are desirous to cure. The corroding social disease of Ireland, from which all others radiate, is the mutual distrust of landlord and tenant. In the middle of the seventeenth century, England was affected with the same evil, and in 1655 it was complained of to the reforming Statesman of that time, as one of the existing impediments to national improvement—"that if a tenant were at never so great pains or cost for the improvement of his land, he did thereby but occasion a greater rack rent upon himself, or else invest his landlord in his cost and labour gratis, or at least lay at his landlord's mercy for requital." This description of the land grievance existing in England more than two hundred years ago is preserved in one of the most authentic and useful books extant upon the subject of agriculture and land improvement; and it is as clear and accurate a statement of the still existing grievance in Ireland as any that can be found in modern complaints. For that impediment to improvement no legislative remedy was ever applied in England. But it appears that the landlords themselves became sensible of the mischief, and found a cure for it. Those improvements which the tenants were so discouraged from making, the landlords began to make themselves, at their own expense, and it has become the general custom in England for the landlord to build the house and offices suitable to the farm which he lets. He also makes the fences, pays the cost of draining, and keeps in repair the works which he so executes. The tenant pays a rent which represents the value of the farm, with the landlord's improvements upon

it. A suitable homestead, with sufficient offices, upon a fertile farm, is thus demised to the tenant, who, therefore, has nothing to provide except live stock, seed, implements, and labour, in order to make his farm yield what will pay the rent and leave a profit on which the farmer and his family are supported. The improvements, as well as the land, are the property of the landlord, who has, therefore, no temptation to evict his tenant, while he has the strongest motive to see that the tenant pursues a profitable course of husbandry, without damaging the buildings, or exhausting the land. By this system, the proper cultivation of land is secured, and the duty which property owes to society is performed, in return for the protection of it.

Those to whom James I. granted the wasted lands in Ulster had not capital sufficient to build such a multitude of houses, and to bring into cultivation such an extent of territory, as the Civil Wars had devastated. They, therefore, threw this obligation on the English and Scotch Colonists, who became their tenants, who built houses and reclaimed the land, protected by the tenant-right custom, by which the distrust is still mitigated, so pernicious to the other parts of Ireland.

It is not possible for the southern landlords to pursue the English course of building houses and farm offices for their tenants—of making and reforming fences, and of draining and otherwise improving the land, from the present condition to which it is reduced. The cost of doing so is out of all proportion to the capital which the landlords can command. But if the capital existed, and if it were expended in the erection of comfortable farm houses, in lieu of the existing hovels, and of adequate

farm offices, where none now exist, and all this work speedily completed, and the tenants, in their present moral condition, put into possession of the new buildings, a year or two would be sufficient to undo the work; and to restore the reign of filth and dilapidation. The habits of the people must be improved, *pari passu*, with the reformation of their dwellings, and the reclamation of their lands. Unless a taste for cleanliness and comfort can be, by some means, imparted to them, they will undo the work of improvement as fast as it is done for them. *They must be induced to do it themselves, else they never can appreciate, and never will preserve it.* The first step in the process must be to convince them, that, if they do it, no one else can interfere with their enjoyment of it. Those amongst them in whom the love of ease, and the aversion from labour is most inveterate, and the taste for decency and comfort most torpid, are still morbidly attached to the hovel and the farm, such as they are. This attachment, and the consequent dread of eviction, present the strongest, if not the only hold, by which you can draw them towards self-reliance and moral improvement. Let them once clearly understand, and make them secure, that to build a comfortable house, and to keep it clean, and in good repair, when built—that to build a separate house for the cows and the pigs, and to remove them from the dwelling, and, with them, the dung-pit from the door—that to work vigorously in winter at making and repairing the fences, and digging deep drains to carry off the water from the marsh—convince them that, by doing this, they will effectually take from the landlord the power to evict, and the power to raise the rent—prove to them, that they can, by a short

and simple process, without employing an attorney, or spending a shilling, obtain this security from the law, by the labour of their hands, and you will have no difficulty in persuading them, that the law which so protects them is a surer friend than the pistol or the blunderbuss.

Here is the counter policy by which to level up the condition of the tenants, and, at the same time, and by the selfsame process, to raise the condition of the landlords, by securing their rents, and protecting their lives, more effectually than if you surrounded the person of each by a troop of police.

Landlords, as a class, have vitally important functions to discharge in a civilized community. The power of recovering their rents, and of enforcing proper covenants is the power of compelling good husbandry, and of enforcing a reasonable amount of labour and industrial thrift. I am not suggesting a measure by which one shilling of the present rents is to be taken from them, or by which their right and power to enforce these rents is to be, in the least degree, shackled or reduced. I am not suggesting anything by which their present rank is to be in the least degraded; but, on the contrary, by which they will be raised from their present position of hated enemies and cruel taskmasters to that of respected lords of a fertile soil and a prosperous people. I am not proposing to curtail their demesnes, or to abate the splendour of their mansions. I would leave them

*“ Space for their lakes, their park’s extended bounds,
Space for their horses, equipage, and hounds.”*

He knows not the Irish peasantry who thinks that they do, or ever did regard these badges of rank and nobility

with envy, hatred, or malice. Make them secure in the possession of their hovel and their bit of land, and the splendour of the landlord excites no feeling in them but admiration and respect. Let them know that while the hovel remains in its present deplorable condition, and while the bit of land remains barren, as it is, they must continue subject to the dreaded notice to quit; but that, if the hovel be reformed, and the bit of land reclaimed, the landlord's power to evict, or to raise the rent, will cease for a term, the length of which will depend on the magnitude of the improvement which their labour has accomplished—do this, and you will soon discover the true extent of their capacity for social, moral, and industrial improvement. If this capacity exists, I am pointing out the means of rousing them to exert it. If it do not exist, things must, and will remain as they are; they will, in that case, take no advantage of the new law; and, like the abortive Act of 1860, it will become a dead letter, and do no mischief. I hope nothing worse may come of the Ministerial operation on the land branch of the Upas-tree!!

No sudden or universal change is likely to result from this enactment. The expectations of tenants, excited by party craft, or puerile folly, will not be satisfied by it. These must await the answer which practical experience, in due time, will certainly give them. That answer will be, that no human power is adequate, by any summary process, to change the inveterate habits, and purge the endemic vices which centuries of misrule have engendered. Whoever proposes to work such a miracle must be either a scheming charlatan, or a visionary dreamer.

The great section of the Irish people who live by the land may be divided into three classes—viz., landlords, tenants, and rural labourers. These have long been dealing with each other upon a vicious and demoralizing principle of action—the landlord exacting from the tenant as much as the law entitled him to demand, and as the condition of the tenant left it possible to extort, doing nothing to reclaim the land—nothing to assist, nothing to instruct, nothing to improve the tenant, or induce him to regard the owner of the land as a partner having a common interest, and as a friend, and a guide of superior intelligence, to whom it would be safe and useful to apply for advice and assistance in time of need. The tenant, thus treated, and thus reduced, deals with the labourer upon the same selfish principle of getting as much, and giving as little as he can; never thinking it his duty, or his interest to consider whether the wages which he pays be, or be not sufficient to keep his men in working condition. The men, thus treated, do as little as they can; always believing that they do too much, for the wages which they get. But the last, and the worst effect of the system falls upon the land, the exhaustion and bad culture of which make a beggarly return, which pauperizes all who depend upon it, and becomes a scandal to the nation.

Many exceptions must be made to this general description; but the exceptions may properly be regarded as forming a distinct class, belonging to that section of the Irish people who prosper, in spite of the obstacles created by those to whom this description applies. The landlords, and the superior class of tenants, who have capital and intelligence, deal with each other upon equal

terms, each being qualified to guard his own interest, and legislative interference between *these* is neither necessary, nor useful.

The law which I am suggesting will not apply where the tenant has a term of seven years, or more. It will not apply where the condition of the farm is such, that the tenant, by a profitable expenditure of capital and labour, cannot add substantially to its permanent marketable value. It will not authorize the disturbance of any occupying tenants from the farms by which they live, on the pretext of spending capital in reclamation of land ; for the right of speculative improvers is to be restricted to waste lands, which are not occupied, in any proper sense.

The attention of all parties who have any estate or interest in land is now fixed with anxious fears, or sanguine hopes, upon the forthcoming scheme, by which all are to be satisfied, if the loose assertion of a partisan statesman can be trusted. Whatever shall be that scheme, certain it is, that, even before it can be law, all interested parties will know its provisions in detail.

Let us suppose that nothing worse against the landlords, and nothing better for the tenants, shall be done, than to make the enactment here suggested, the fair inquiry arises, what probable effects will such a law produce ? And, first, its effect upon the landlords ? Desirous to evade the operation of it, as some landlords probably will be, these will negotiate with yearly tenants as to the terms on which they will grant leases for terms longer than that which would entitle the tenant to apply for a license to improve. The tenants now, by the new law, having this liberty, and conscious of the alternative

thus given to them, will not be forced, by the fear of eviction, into a contract upon ruinous terms, at a rack-rent which the tenant cannot pay, and live. It will thus, and for the first time, in Ireland, place the humble class of yearly tenants upon equal footing, in treating with their landlords for leases of the land which they occupy. I cannot believe that this will, to any just man, appear a bad effect; and to most men, I think, it will appear one most salutary and desirable.

Other landlords, anticipating compulsory improvement by tenants, or in the case of waste lands, by strangers, may proceed to purchase out small tenants, and earnestly set about reclaiming their own lands, to bring themselves within the clause by which such improving owners are to be protected from interruption. No one can say that this is not, for all mankind, a beneficial effect. Some owners will not be able to do this; and others will fail, in many instances, to settle the terms of leases to their yearly tenants. This is most likely to happen where the tenant is conscious of ability to acquire a parliamentary term by improving his farm. It cannot be doubted, that, at least, some of these tenants will take the simple and easy step of sending in an undertaking to improve their farms. In doing this, they must resolve on some energetic effort to redeem the undertaking, and obtain the Inspector's certificate, by which to secure a fixed, and indefeasible term in the land. The resolution to serve this notice is itself a step on the right road to moral improvement, to self-reliance, to energetic effort, and to the attainment of the greatest of all earthly blessings—

“The glorious privilege of being independent.”

If this be its probable effect upon even a few of the

tenants, it will be a bold thing to deny that the experiment is not worth a trial, if only to set a few examples, and begin this work of industrial improvement.

When the written undertaking is sent in, and the public Inspector has reported favourably upon it, and recorded the present condition of the farm, the tenant should be immediately protected from a notice to quit, provided, within a specified time, he shall have substantially commenced, and so long as he shall, *bonâ fide*, prosecute the work specified in his undertaking, to the satisfaction of the public Inspector; who, upon a written notice of default, should be bound to revisit the farm, and empowered, by a certificate of default, to withdraw the protection, and thus restore landlord and tenant to their original positions. It may safely be assumed, that the landlord will be vigilant to see that the tenant shall act up to his undertaking; and the only thing essential to the beneficial working of the system will be an upright Board, and honest, skilful, and active Inspectors. There will be no difficulty in getting these, if the scheme be not made subservient to patronage, and if party jobbing can be even moderately avoided.

The provisions of this Act may be clearly, and adequately expressed in a moderate number of concise clauses, which even a peasant farmer may, without difficulty, understand. I cannot believe that any man of ordinary capacity and skill can have much difficulty in framing such an Act, and I cannot conceive any less complicated remedy for the inveterate vices of the present relations of landlord and tenant in Ireland.

Hostile, as I am to special legislation for Ireland, I can see no just reason for confining the operation of this remedial Act to this country. If the obstacle to national

improvement of which Walter Bligh complained, more than two hundred years ago, still exists, even partially, in England, or in Scotland, why should not the remedy be made co-extensive with the mischief? If the mischief do not anywhere exist in Great Britain, the very nature of the remedy makes it impossible to apply it, and the Act will require no express provision to confine its operation to the locality in which alone the mischief exists. As a general Act, affecting both countries, all its provisions will be carefully and impartially considered, not by a party, but by all the representatives of those affected by it in both countries. There will be then no ground for thinking—no pretext for asserting, that it is a measure dictated by an Irish faction, leagued and banded with English confederates, to create, or to swell a majority, and force upon Ireland, for party purposes, measures tyrannical and galling to that portion of the people whose religion is maligned as a heresy, and whose prosperity is envied. Such an *imperial* enactment could never be regarded as the work of a tyrannical majority of one house, adopted by a reluctant and timid majority of the other.

The principle on which my solution of the land difficulty rests is, that property in land is charged with a duty to the State—that this duty follows the land and is inseparable from it—that reasonable attention to the cultivation of the soil is involved in this duty; and that extensive neglect of cultivation produces disorder which justifies legislative interference, and demands a remedy coextensive with the mischief, and corrective of the default from which that mischief arises.

When, in 1832, the Duke of Newcastle asserted a right to do what he pleased with his own, and applied

this truism to his property in land, he roused public attention to the logical consequences flowing from the right which he claimed. When, in 1838, Mr. Drummond asserted, that property has its duties, as well as its rights, he practically contradicted the axiom relied on by the Duke. Landlords were alarmed at the novelty of Mr. Drummond's aphorism; but reasonable minds recognized the force and the truth of it. The exigencies of a growing population—the poverty and discontent produced by contempt of this great moral and social principle, have provoked discussion, and truth and justice must eventually prevail.

The discontent, and the agrarian crimes of the Irish peasantry, have brought this social principle to a plain issue between the Irish landlords and their tenants; and the question now is, how that issue is to be tried—whether by a packed jury of banded partisans—or by the grand Inquest of the British Nation. Let the landlords look to this in time, for their trial is approaching, and cannot now be evaded. If they meet (and if they be wise they *will* meet), let it not be for the useless purpose of making noisy protests against change; for change there will be, for good, or for evil, in utter contempt of their protests, however violent. If they meet, let them rationally consider, and calmly, but firmly discuss the all-important question what the inevitable change should be. Let them, with a prudent fear that the ministerial measure *may* be revolutionary, or *may* be communistic, be prepared with some rational counter scheme of useful reform. It is not in any spirit of impertinent conceit, or insolent presumption, that I have taken this liberty of explaining the best alternative that I have been able to design. I have no prejudice in favour of it, and would

gladly hail any better remedy, no matter by whom devised. It is not for the vain purpose of gaining notoriety, that I have taxed the decline of life with the thankless, and, to national pride, the humiliating labour of writing upon the social miseries of Ireland. It is impossible, with any colour of truth, to charge me with a selfish, or a personal motive in one iota of what I have written; and no such charge has been made. The policy, by which the progress of this country has been for seven hundred years impeded, has been, as I most sincerely believe, revived, in a shape more destructive of progress and peace than it ever assumed before. However feeble my ability, and humble my place, I was coerced by a sense of duty to raise my voice against that policy. I know nothing of its authors, except as public men—I never saw one of them in my life. Nothing that I have written can be truly ascribed to any insolent desire to give offence. Public measures (and I have meddled with no other), are, as yet, a legitimate subject of free discussion. Whatever strength there may be in any expression which I have used, no word of mine has proceeded from a willingness to give personal annoyance to any man, or party of men.

In the twelfth century, England invaded Ireland with a force wholly inadequate to the conquest of an united people, and was forced to adopt the diabolical policy of fomenting the existing hostility of Irish factions against each other, in order, by the corrupt and traitorous assistance of some, to gain and exercise a tyrannical power of crushing them all. It is now, for the first time, pretended, that England has repented of this abominable treatment of the Irish people, and a generous policy is

on the lips of the present Ministry : their sincerity is questioned !

Divided, as England herself is, between rival parties, one of these parties claims the credit of inventing a policy for uniting the Irish factions in fraternal amity, and cordial affection towards each other—promising to govern, for the future, upon the principle of equal justice to all. The first step of the party, thus professing to unite the discordant factions, is to form a league with that which appears to be the most powerful of them, and to satiate the vengeance of these allies by degrading the Church, spoliating the clergy, and confiscating the ecclesiastical property of that party with which former English Governments had allied themselves for the purpose, as now asserted, of dividing Ireland, in order to rule it wickedly, and corruptly.

That the retaliation of one party upon another should be called an atonement for, and not a repetition of the crimes of England against Ireland, is sufficiently absurd ; but that any one should have the face to assert, that it is intended to unite, in brotherly love, the parties thus alternately persecuted and played off against each other, is a miracle of unblushing effrontery, for which no parallel can be found.

Accounting for this policy, and professing to excuse it, the organ of this new confederation has proclaimed, that the Roman Catholic religion is the religion of Ireland, and that the Protestant religion is not—that the Roman Catholic clergy have, and that the Protestant clergy have not, a governing influence over the Irish people. To sustain this pretext, the Roman Catholics of Ireland are assumed to be the Irish people. It is further assumed, that to have acquired great influence over the

laity is an exalted merit in one hierarchy, and that to have failed in so doing is a just ground of contempt for the other. That this clerical influence, exercised, as it has been by the Roman Catholic priests at elections, is the bond of union between the Government and this Irish party, is self-evident, and the fact is neither concealed nor denied.

To estimate the merits of a clergy by their influence over the people, without regarding how that influence has been acquired—with what moral effects it has been exercised, or the principle upon which it rests, is a monstrosity so glaring, that no sane man could utter it, without assuming, that those to whom it was addressed were so stultified, or so blinded by party interests, as to accept any absurdity offered in aid of their cause. If clergy are justly estimated by the magnitude of their influence over their votaries, then the Druids were the most meritorious and estimable hierarchy that ever governed any section of the human family. Their influence reconciled parents to the spectacle of their children—reconciled brothers and sisters to the spectacle of their kindred flesh and blood, caged in the monster wicker Idol, and burnt alive as victims to the Moloch which the influence of their clergy had taught them to fear, and to worship with this hellish human sacrifice.* Rivalling the Druids in merit, measured by the same standard of influence, the Papal hierarchy succeeded the Druids, and even surpassed them, in those past centuries, when, by their teaching, and their influence, kings and

* See a picture of this infernal Idol, with scores of victims caged in it—men, women, and children, and the minister of priestly influence in the act of setting fire to it, in the presence of weeping relations. Clarke's grand edition of Cæsar, at page 132.

queens, surrounded by the nobility and *gentle-folk* of both sexes, assembled upon state occasions, in the presence of the approving people, old and young, male and female, ranged in theatric order, according to rank and station, to do a great act of religious faith, and to behold, and to enjoy the spectacle of their fellow-creatures, in scores, and in hundreds, reduced to ashes by the flames to which the influence of the clergy had condemned them.* To elevate, and to reward the successors of the same organized clergy, who had acquired, and who so exercised such influence, and to degrade and beggar the reformed clergy, who have not, and who never sought to have the power or the influence to work such a miracle of iniquity, is too obviously a retrograde policy, tending to restore all that now shocks us in the past history of Europe.

The Ministry who have adopted the policy of levelling Protestants to an equality with Roman Catholics in Ireland—of abolishing the State Church—of disendowing the reformed clergy, who have no other means of support, except the legal endowment thus taken from them—and who profess that they, in doing this, are but reconciling Christian brothers, and promoting amity and lasting peace, are powerfully recalling our attention to the fraternizing process of the French philosophers in the last century, which, professing to establish *égalité et fraternité*, produced all the horrors of the revolution, and of the long war which followed it.

The next step which the BANDED MINISTRY are pledged to take towards equality and fraternity in Ireland is to appease the discontent, and to satisfy the ex-

* See, and, *if you have strong nerves*, READ the account of these *entertainments* in Rule's "History of the Inquisition," chapters 16 and 17, pages 151 to 176.

pectations which they have excited in the tenantry. Whether this is to be done by elevating the tenants, or beating down the landlords, is not yet disclosed ; and probably has not yet been determined. Let the Ministerial scheme be once announced, and the principle of it, however revolutionary, or however Communistic, must be accepted, or the Ministry must resign. The contest will then be for office, and not for justice, or for right. The country will again be bewildered by speeches, but right and justice will be overwhelmed by votes. The interval between the Sessions is, therefore, valuable, and no moment of it should be lost. The torrent is coming : to stop it is impossible ; to prepare a channel by which to catch it, and to direct its course, before it strikes upon their property, is the true policy of the landlords, and all they can do to mitigate the damage, if damage there must be. But if my aspirations be not visionary— if the measure which I have suggested can be moulded into something practically useful, may we not hope, that this turbid flood may be thus made to pass away harmless, and that, in subsiding, it may leave behind it a fertilizing deposit upon the surface of this impoverished country ? This measure, whatever may be its defects, as here described, is the result of anxious reflection, and of a sincere desire to discover the best practicable remedy for what I believe to be the agrarian disorder by which Ireland is afflicted. It will not produce any violent, or sudden change ; and will, in this respect, disappoint the expectations of those whose sufferings, and whose discontent have been made subservient to party purposes, and prolific of delusive hopes. Its operation, at first, will be partial, and its progress slow. No fruit can be gathered from it, until it gets time to grow, and ripen.

However, it appears to me certain, that *some* tenants will promptly avail themselves of the protection offered by it, and will commence the work of improvement; and I feel confident the example will be followed, and, by contagion, will propagate a disposition to exertion, and industry never before evoked in the country.

My official experience encourages me to hope, that a law such as I contemplate, if judiciously framed, and honestly administered, will not disappoint any reasonable expectation from it. Applications are constantly made to me on behalf of tenants, sometimes of the poorest class, to allow the Receiver to supply slates and timber for roofing a new house, or a barn, or a cowhouse, upon an undertaking of the tenant to build the walls and complete the structure at the tenant's own expense, amounting to three or four times the cost of the slates and timber. When the Court of Chancery takes into its charge an estate in land, belonging to a minor, or a lunatic, or a debtor, it undertakes the duty of reasonably attending to the due management of the property, as a sensible owner should manage it. This duty devolves on me, and I assume, that it gives me jurisdiction to deal justly with the tenants, as a judicious, and an attentive landlord ought to deal. On this principle, I uniformly comply with such applications for assistance to build; and also for assistance to drain, or otherwise to improve the farm of the tenant who desires to be helped. Having thus to deal with about four hundred estates, occupied by nearly 20,000 tenants, it cannot be difficult to understand that proper attention to claims of this kind entails no small amount of labour. When I state that, in every instance, I not only make the order, guarded with proper stipulations, but carefully consider, and, to the best

of my ability, correct and improve the tenant's plan, I assert that which is in the personal knowledge of about four hundred Receivers, many of them men of station, and sterling worth. I mention this, not for a vain boast, but as a proof, that tenants, even on the precarious tenure given by the Court, are willing to spend money and labour in the improvement of their houses, and their land, if moderately assisted, and rationally encouraged. I mention it as a proof also that a public functionary such as the Inspector of Works, before mentioned, may render the country most valuable service, not only in scrutinizing plans of improvement proposed by tenants, but in correcting them, in adding to them, or prudently retrenching them. Such an officer will visit the land, and inspect the works, a thing beyond my power to do.

It will not be necessary, at the outset, to appoint many of these Inspectors; and the system may be effectually started, at a trivial expense. If applications for license to improve become numerous, the number of Inspectors can be proportionally increased. A single officer, with ordinary exertion, may efficiently attend to the applications of some hundreds of tenants, in any one county, or extensive district. The inspection of a farm is but a small day's work for a man of ordinary diligence and skill, and an hour will suffice for framing his report and his certificate. Nothing better could happen for this country than an extensive demand upon the attention of such a functionary. Nothing more salutary than the necessity for multiplying the number of them. Such a demand, and such a necessity, could arise only from a multiplicity of claims by the tenants for certificates to protect them in their efforts to increase the agricultural

value of their farms. If the Government desire to be liberal, it is easy to authorize loans not exceeding a certain per centage upon the value of the improvement already effected, and for which that improvement will enable the tenant to give good security for the redeeming interest terminable in a certain number of years. If the landlord sees his true interest, he will think it a good investment, to help his improving tenant with a loan, and to increase the rent by a just and moderate interest. By doing so, he will take the surest road to the respect and confidence of his tenant, and gain a recognized right to guide the course of his operations for the mutual benefit of both. The priest may join, with power and effect, in this good work of national regeneration, and use his influence for a truly patriotic purpose. That useful labour, sedulously applied, and honest thrift in gathering and husbanding the fruits of it, may be regarded as a species of worship, acceptable to the Giver of all good things, is proved by the reward which He uniformly annexes, as a natural consequence, to this obedience of His first command. That sloth is sinful, follows from the penalty annexed to it. To enforce this precept, found not only in the Bible, but in the great book of nature, by the weight of respected authority, would surely not be outside the province of a pious pastor.

If one can contemplate such an industrial agitation as the thirst for fixity of tenure—for tenant right—and for secure enjoyment of tenants' improvements, may create, when thus encouraged, controlled, and guided by a well-digested, and well administered law—if one can imagine the substitution of such an agitation for that which is provoked by the wickedness of pseudo-patriots, and by electioneering priests—if one can hope that the

discontent, so rashly lauded by aspirants to power and office, may be converted into a strenuous effort of the people to remove the cause, it will be easy to foresee and understand the happy results which must flow from such a change.

Very little of practical utility has ever been suggested—nothing of it has ever been pursued, to instruct, to encourage, to assist, to protect, and to reward the poor classes of the Irish tenantry ; or to inspire them with some taste and desire for the blessings attendant upon diligent rural labour, and self-relying thrift. These poor people are very imperfectly known ; and their character and ability are greatly misapprehended by those who make laws for them, and administer these laws. The judge who tumbles for applause upon the bench, and fancies that the crowd of Irish peasants who gaze at him are admiring his eloquent flourishes, and his insipid platitudes, wholly mistakes the effect which he is producing ; and if he could only hear and understand the Irish commentaries often made upon his rhetorical English, he would learn that plainspoken justice is what these people respect ; and respect it, even when suffering the punishment which that justice inflicts.

Nothing is more curious in the character of these people than the estimate which they form of their priests. They draw a sharp line between the sacerdotal power and functions of the priest, and the moral conduct of the man. While they value his blessing, and dread his curse, with superstitious awe, they deride his folly, and condemn his vices ; even the degradation which strips the priest of his vestments, leaves him still in possession of sacerdotal influence over the devoted people. There is a dog-

gerel in the Irish language (I know not how old), which in my childhood, I heard repeated a thousand times, and which, while Irish was commonly spoken, was in the mouth of every peasant in the country. As many of their sarcastic proverbs are, it is founded on a legend, which is this :—A man was asked to name twelve persons such as could not be found in the world—his answer (translated) was this :—

“Four priests who are not selfish :
 Four Frenchmen who are not yellow :
 Four shoemakers who are not liars :
 There are twelve who are not in the Land !!!”

You, the rulers of this astute people, have been practising, and cruelly practising upon them, for seven hundred years, without knowing them, or caring to know. When they have asked for bread, you have given them a stone—when they have asked a fish, for a fish, you have given them a serpent ; when they have asked an egg, you have offered them a scorpion. What is your title to their gratitude or respect ? What is the first fruit of your pretended penitence for your ancient crimes, and your continued misrule ? When the infant pines at the breast, wanting the nourishment which a starving mother cannot give, the parson’s wife, and the parson’s daughters have come to their relief ; and it is to *these* the poor sufferers fly for assistance in the hour of need ; and not to the solitary recluse whom, in their own expressive language, they have proverbially described as the selfish priest !!! Under the misrule which produces their misery and destitution, they cry aloud for redress ; but the scales of ignorance are on their eyes ; what will effectually redress them they cannot see ; and they are equally blind to the difference between Gods and men. The men

whom they mistake for Gods have spoliated the parson and hunted him and his charitable family away, and such is the answer which you give to their cry for justice!! There is no justice in Heaven or wisdom upon Earth if this do not recoil upon you.

The newly invented church policy for Ireland has evoked a great majority in the House of Commons to support the inventors of it. This dominant majority has produced an ominous construction of the constitutional law of England. That law, in its simple grandeur declares, that there shall be three perfectly distinct, and independent estates, each incapable of doing any wrong—which means that each is irresponsible for its acts, except to itself, under a conscious sense of right and justice. As a corollary to this great rule, the law strictly forbids each of these three estates from calling into question, or even noticing the deliberations of the others, the meaning and object of which is, to secure to them, severally, perfect freedom of thought and action. This constitutional law declares that the representatives of the people, the moment they are elected, shall thenceforth be unfettered members of a deliberative assembly, entrusted with a well defined share in the great duty of legislating for the nation, discharged from every pledge to their particular constituents. Every such pledge is a violation of the law, and by the constitution, held to be null and void. This assembly is subject to the control of the two equally independent, and co-ordinate estates, which are themselves, in like manner, controlled. No resolution of this assembly can have any legal force, until, on its own merits, it is separately considered and approved by the Lords, and by the Crown. These are assumed to be ignorant whether it was passed by a large or a small ma-

majority—whether with exulting cheers of one party, under the groans and hisses of another, or whether in silent unanimity by all. Many believe that it would be well for the best interests of the country, if this theoretical ignorance were more of practical reality than it is. A precedent has now been made of clamorous, and indecent threats by the organs of one party ; of timid hesitation, and quailing concession to this open violation of constitutional law ; which is treated, and disregarded as an antiquated theory. Such is the precedent made by the boasted policy of a dominant party !!!

A general, at the point of battle, once addressed a short exhortation to his troops, and pointing to the enemy said, “ behold those men, arrayed against you—kill them or they will kill you.”

To the Sovereign who would sit, with intrepid security, upon the ancient throne of England—to the Peers, whose pride it is to surround, and whose duty it is to protect that throne from the most distant approach of danger—to all who understand, who value, and who would continue to enjoy the great benefits of the tripartite legislature of this realm, in its constitutional integrity, descending as those benefits do upon every class, to every grade, and upon every subject, I would fain address the short exhortation—crush this revolutionary party which so domineers, and this policy by which legislative freedom is destroyed, or this party, and this policy will crush you.

THE END.

Lithomount
Pamphlet
Binder
Gaylord Bros.
Makers
Syracuse, N. Y.
PAT. JAN 21, 1908

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